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FLOOD CONTROL/LEVEE ISSUES MEETING

Thursday, August 23, 2007

1:00 p.m.

CERTIFIED COPY

Moderator: CONGRESSMAN DENNIS A. CARDOZA

18th District, California

Location: San Joaquin Council of Governments

555 E Weber Street

Stockton, California 95202

Reported by: Mary Jackson, CSR #8688

1 CONGRESSMAN CARDOZA: I don't have a gavel
2 probably, a good thing here. I want to welcome everyone
3 here. Clearly this is an issue of tremendous importance
4 to San Joaquin Valley. As we're all aware, the
5 situation of San Joaquin Valley with regard to water is
6 always feast or famine. We either have too much or not
7 enough. This particular discussion topic is too much,
8 and it regards the levees.

9 Hurricane Katrina taught us that we should
10 have a wake-up call with regard to levees and how we
11 deal with them and how FEMA goes about dealing with
12 them. I will tell you that I just came back from a
13 3-day trip with 14 members of Congress to New Orleans.
14 I went there in large part because I wanted to see how
15 FEMA was responding in that location but also what
16 potential impacts could happen here in the Delta and
17 both to see how FEMA is dealing with correcting some of
18 those things and working with the communities and how we
19 can better organize ourselves to deal with some of the
20 potential problems and also make them into
21 opportunities, if possible.

22 I will tell you -- I will relate one story
23 right out of the chute. There was the sheriff from St.
24 Bernard Parish was there. A big, burly man who sort of
25 made me look like a small guy. Talked with a very deep

1 southern accent. The Speaker was on the trip with us,
2 the Majority Whip was on the trip with us and 12 other
3 members of Congress. We're sitting there in this big
4 room in this hotel on Bourbon Street, and he -- and the
5 Governor and mayor, they were all there in the room, and
6 he announced to the group that had convened there that
7 if he saw anyone from FEMA -- and he had directed his
8 deputies if they saw anyone with a FEMA badge in his
9 jurisdiction they were to be arrested on site.

10 And I'm sure we have someone here from FEMA
11 today and I apologize for saying that about -- how are
12 you -- you don't have that role in San Joaquin County.

13 UNIDENTIFIED SPEAKER: Up to now I've been
14 fine.

15 CONGRESSMAN CARDOZA: The reality is that they
16 have significant problems and that was the frustration
17 coming out of the sheriff from that locale. And what we
18 need to make sure, and the purpose of this meeting today
19 is that we never get to that situation, that we never
20 have the floods, that we work in a cooperative way with
21 FEMA to get through these challenges and these problems,
22 but knowing that we're not beyond arresting anyone
23 either if they don't cooperate.

24 We're sending out a clear message today that
25 it's time to get together as a community and figure out

1 what the challenges are, what the legitimate problems
2 are, how to get to finding a solution to get there.
3 And, although, based on my trip and other works and
4 although I've been critical of FEMA's response,
5 especially to Katrina, I truly appreciate them being
6 here today. And I appreciate the Corps of Engineers and
7 the State and what they're doing to bring attention to
8 the deficiencies in the levees in the valley.

9 It's going to be a huge challenge for us. We
10 have to bring the levees up to proper maintenance. We
11 need to correct the deficiencies in order to avoid being
12 placed in flood hazard zones, and an even greater
13 challenge is to upgrade the levees to the level of
14 protection we all want.

15 One of the things that was made very clear to
16 me when we traveled to New Orleans, we need clear
17 answers. Two years after the hurricane hit New Orleans
18 they are still having problems getting flood maps
19 despite the fact that they have pictures of where the
20 water went in the disaster. And so those kind of
21 answers, those kinds of very clear and concise,
22 cooperative steps must be something that the federal
23 government helps the communities with.

24 And I understand that that's a problem. I
25 understand, Jerry and I together understand as your

1 representatives in Congress we have work to do to make
2 sure we get clear, concise answers so you all know what
3 you're dealing with. That's half of getting to where we
4 are of our goal is knowing the solution and where we're
5 headed.

6 So the purpose of today's meeting is to get
7 more information out to the counties on FEMA, the Corps
8 and the State requirements and its programs to see what
9 we can do to better to coordinate between federal, state
10 and local agencies, to see what we can do to get more
11 state and federal financial assistance to the region and
12 to discuss the possibility of working together within
13 the counties and between the communities in order to
14 increase the likelihood for our success.

15 We have seen how a region to our north,
16 Sacramento region, has done pretty well at getting their
17 act together. Their model has worked. We need to see
18 what opportunities there are for us to achieve that kind
19 of cooperation here and see if we can't move forward.

20 What I'd like to do now is turn it over to my
21 colleague Jerry McNerney for his opening remarks.

22 SENATOR MCNERNEY: I just want to let you know
23 that I really didn't walk into a door. It was a sports
24 injury. So that issue out of the way, I want to thank
25 everyone for coming here, Representative Cardoza for

1 pulling all the interested parties together. I think
2 it's a very important process that we're going through
3 here. Nothing more important than not only protecting
4 the water we drink but protecting our towns and cities
5 and protecting the people that live there not only from
6 flooding but from paying for insurance that would be way
7 over what would actually be warranted.

8 The Army Corps of Engineers, I think it's a
9 very important role, FEMA and the California Department
10 of Water Resources are to be thanked and to be
11 encouraged to participate and move forward with this in
12 a reasonable fashion. We are potentially at risk for
13 national disasters. Everyone knows that. Flooding,
14 seismic activity and even global warming are issues we
15 need to prepare for. We need to look at this as a
16 long-term issue, and as a member of the subcommittee
17 that has oversight on the Corps of Engineers, I will
18 be -- I have heard their testimony, and I will be
19 overseeing that work in the future, and I look forward
20 to that. It's a very interesting, complicated task and
21 problem and challenge for all of us.

22 I'd like to say I have heard from some of the
23 mayors. Mayor Sayles was in my office and enlightened
24 me to the risks of her town. They have already made
25 significant improvements on the levees, and now there is

1 no reason for them to be punished in the short-term.

2 Also I heard from Mayor Chavez, the Board of
3 Supervisors, city councils and so on, so I'm well aware
4 of the concern in this region for the people and the
5 price we're going to pay if this isn't done in a
6 rational fashion. I think we need to look at real
7 engineering solutions. We don't want any grandstanding.
8 We don't want any holding back. We want to work
9 together in a bipartisan fashion. I think the makeup of
10 this organization shows that's the intent here.

11 If we do that, there is no need that -- there
12 is no reason why we can't achieve goals in the long-term
13 and take a path toward that that's measured and that
14 will get us there without putting undue burdens on any
15 particular party.

16 So, again, thank you for calling this, Dennis,
17 and I look forward to hearing the testimony today.
18 Thank you.

19 CONGRESSMAN CARDOZA: Thank you, Jerry. I
20 want to recognize next a colleague that has come up
21 from -- I'm not sure if he's from -- come down from
22 Sacramento or come up from his home in the south. I
23 want to recognize State Senator Jeff Denham.

24 Jeff, would you like to give an opening
25 statement?

1 SENATOR DENHAM: Thank you. Jerry, you're not
2 the only one who's got a few bumps and bruises here over
3 the last couple of months. We've learned that politics
4 is certainly a full-contact sport.

5 Dennis, I appreciate your leadership in this
6 area. Certainly throughout the entire valley we need to
7 come together on water issues, both state, federal and
8 local. We got a great deal of needs here and a lot of
9 competing interests throughout the state. Last year we
10 saw the levee bond, which we need to make sure gets
11 implemented immediately but also making sure that as we
12 implement the levee bonds that we don't forget about
13 some of the smaller tributaries that certainly cause
14 flooding like Black Rascal Creek in Merced County. San
15 Joaquin has potential and has flooded many times. We've
16 definitely got some concerns throughout the entire
17 valley.

18 So it's really going to take a cohesive effort
19 of all of us working together on all levels of
20 government as well making sure it's a bipartisan effort
21 to continue this effort on.

22 Dennis, again, thank you for putting this
23 together for us today.

24 CONGRESSMAN CARDOZA: What I'd like to do now
25 and we can start with Mayor Chavez and the microphone

1 that's right there, and we'll just pass the microphone
2 around. I'd like you to quickly do self-introductions
3 and say who you are, say what your agency you're with,
4 and then we'll get into the meat of the presentation as
5 soon as everybody knows who's on deck. We'll go back --
6 there's some people that also need to be introduced in
7 the back so we'll pass the microphone down there.

8 Mayor Chavez, if you would start and if
9 everyone would move it along pretty fast. We really
10 don't want this to take too long. We want to get to the
11 presentations, but I want to make sure everybody knows
12 who's here and we'll give you the recognition you
13 deserve.

14 MAYOR CHAVEZ: Ed Chavez, Mayor, City of
15 Stockton.

16 COUNCILMAN LEE: Clem Lee, City Council,
17 Stockton.

18 SUPERVISOR MOW: Vic Mow, Chairman, Board of
19 Supervisors.

20 MR. RUHSTALLER: Larry Ruhstaller, Board of
21 Supervisors, also on SJAFCA, our local flood control.

22 MR. LOPEZ: Manuel Lopez, San Joaquin County
23 Administrator.

24 MR. FLINN: Tom Flinn, Director of Public
25 Works, San Joaquin County.

1 MR. CHURCHWELL: Roger Churchwell, San Joaquin
2 County Flood Management Engineer.

3 MR. WINKLER: Steve Winkler, Deputy Director
4 of Public Works, San Joaquin County.

5 MR. PUNIA: Jay Punia, General Manager, State
6 Reclamation Board.

7 MS. SOUTIERE: Judy Soutiere, floodplain
8 manager for -- excuse me -- Flood Risk Manager with the
9 Sacramento District Corps of Engineers.

10 MR. KEATON: Cary Keaton with the City of
11 Lathrop.

12 MS. QUIRING: Yvonne Quiring, City of Lathrop.

13 MAYOR SAYLES: Kristy Sayles, Mayor of
14 Lathrop.

15 SUPERVISOR KELSY: Deidre Kelsey, Merced
16 County Supervisor.

17 SUPERVISOR O'BRIEN: Bill O'Brien, Chairman,
18 Board of Supervisors, Stanislaus County.

19 MR. SKINNER: Donald Skinner, Board Member,
20 Lower San Joaquin Levee.

21 MR. FILLEBROWN: Paul Fillebrown, Public Works
22 Director, Merced County.

23 MR. MARSHALL: Jim Marshall, City Manager,
24 Merced.

25 MR. TUCKER: Dave Tucker, City Engineer,

1 Merced.

2 MR. MAYER: Rod Mayer, California Department
3 of Water Resources, Division of Flood Management.

4 MR. HARDER: Les Harder, Deputy Director of
5 California Department of Water Resources.

6 MS. WOOD: Kathy Wood with the California
7 Water Institute at Fresno State, Executive Director for
8 the San Joaquin Valley Water Plan.

9 CONGRESSMAN CARDOZA: Can I just acknowledge
10 what Senator -- not senator -- Congressman Costa, my
11 colleague, has only been a congressman four years now,
12 has done with that water plan. It's really important
13 work, and I want to acknowledge that. Please give him
14 my best when you talk to him.

15 MR. HILL: Reggie Hill, manager of the Lower
16 San Joaquin Levee District.

17 MR. BLACKBURN: Gregory Blackburn from FEMA,
18 Branch Chief of the Floodplain Management Insurance
19 Branch.

20 MR. CHARLTON: Mark Charlton, Director of
21 Programs for the Army Corps of Engineers in San
22 Francisco.

23 MR. MURDOCH: Bob Murdoch, City Engineer,
24 Stockton.

25 MS. DABS: Stacey Dabs with Congressman

1 Cardoza's office.

2 MS. WALTER: Jennifer Walter, Congressman
3 Cardoza's office.

4 MS. ADAMO: Dee Dee Adamo with Congressman
5 Cardoza's office.

6 MR. SIMMONS: Eric Simmons, an engineer with
7 FEMA Region IX.

8 MR. GREEN: I'm Sarge Green. I'm with the
9 California Water Institute also.

10 MS. BAUGHAM: Mary Baugham (phonetic) with the
11 Office of Assembly Member Cathleen Galgiani.

12 MR. GESHAM: Ed Gesham with the Corps of
13 Engineers in Sacramento, Engineering Division.

14 MS. DAGEY: Nina Dagey Army Corps of
15 Engineers, Sacramento District, Emergency Manager.

16 MS. ARENA: Lonnie Arena Department of Water
17 Resources, legal.

18 MS. JACOBS: Kelly Jacobs, Merced County
19 Public Works.

20 MS. MUIR: Chanel Muir with Senator Mike
21 Machado's office.

22 MS. GARABINO: Marcy Garabino with Plan Tech
23 in Modesto.

24 MR. BREITLER: Alex Breitler with the "Record"
25 newspaper.

1 MR. FEELER: Eric Feeler with Congressman
2 Jerry McNerney's office.

3 MS. MCALLISTER: Lori McAllister with Assembly
4 Member Greg Aghazarian's office.

5 MS. HILLS-WATT: Sharon Hills-Watt Senator
6 Dave Cogsdale.

7 MR. REGNAUT: Brian Regnaut with Assemblyman
8 Alan Nakanishi's office.

9 DANIEL: Daniel (unintelligible) California
10 Department of Water Resources, Division of Flood
11 Management.

12 MR. EIST: Meritt Eist Department of Water
13 Resources, Division of Flood Management.

14 MR. JONES: David Jones, Stanislaus County
15 CEO's office.

16 MR. FREITAS: Karl Freitas, Consulting
17 Engineers on the staff working under contract with TWR.

18 MR. BEGONE: Angel Begone with Congressman
19 Jerry McNerney.

20 MR. WILBORNE: Rob Wilborne, Lieutenant,
21 Sheriff's Office, Department of Geoplanning and
22 Transition.

23 MR. KELSO: Myron Kelso San Joaquin County
24 Sheriff's Office.

25 CONGRESSMAN CARDOZA: So we do have the

1 sheriff in town.

2 MR. MAKOWITZ: Mark Makowitz, City of Lathrop.

3 MR. ULM: Rich Ulm, City of Modesto, Deputy
4 Director, Public Works.

5 MR. SANDU: Bill Sandu City of Modesto.

6 MS. MATTHEWS: Good afternoon. Kate Matthews
7 San Joaquin Farm Bureau.

8 MR. CREW: Will Crew, chief official, City of
9 Modesto.

10 MR. REID: Steve Reid with Supervisor
11 Ruhstaller's office.

12 MS. BERRERA: Dana Berrera, Senator Jeff
13 Denham's office.

14 MR. DING: Steve Ding, concerned citizen.

15 MR. GUTIERREZ: Bob Gutierrez, Stockton
16 resident.

17 MR. FOOT: Kelley Foot, Stockton resident.

18 MR. ANDERSON: Mark Anderson, Director of
19 Governmental Affairs for Merced County.

20 MR. GUTIERREZ: Dave Gutierrez, Director of
21 Flood Safety Department of Water Resources.

22 MS. BURROWS: Good afternoon. Rosemarie
23 Burrows with the Reclamation Board and Inter-agency
24 Collaborative.

25 MR. CARTER: Ben Carter, President of the

1 State Reclamation Board.

2 MS. REYES: Glenna Reyes San Joaquin County
3 Administrators Office.

4 MR. TISCHER: Jim Tischer, California Water
5 Institute, CSU Fresno.

6 MR. PINEDA: Good afternoon. My name is
7 Ricardo Pineda. I'm an engineer with the California
8 Department of Water Resources, Division of Flood
9 Management.

10 MR. PICOLA: Good afternoon. I'm Frank Picola
11 with the Army Corps of Engineers, Chief of Planning
12 Division.

13 MR. VALDEZ: Chris Valdez with Congressman
14 Radanovich's office.

15 MR. REUS: Vince Reus handling water policy
16 with Congressman Costa, constituent, Congressman
17 Cardoza.

18 MR. NOMEILLINI: Dante Nomellini. I'm an
19 attorney, and I represent a number of the reclamation
20 districts affected by the FEMA process.

21 MS. SCHAEFER: Kathy Schaefer, FEMA Region IX,
22 Engineer.

23 MR. DE SHONG: Casey De Shong, FEMA Region IX
24 out of the Office of the Regional Administrator.

25 MR. MACHADO: Matt Machado, County --

1 Stanislaus County, Public Works Director.

2 MR. NEUDECK: Chris Neudeck, a civil engineer
3 representing a variety of reclamation districts.

4 MR. STONE: Joe Stone, Deputy Public Works
5 Director, City of Manteca.

6 CONGRESSMAN CARDOZA: Excellent. Is there
7 anyone else that we missed?

8 Well, I am very impressed by the level and
9 caliber and turnout that we have gotten here today.
10 It's fabulous. It also shows level of importance of
11 this issue has amongst all of the different agencies and
12 levels of government in our area, that this is a very
13 serious issue that we have to tackle, both from a
14 financial aspect from what could happen to our
15 constituents but also from a public safety aspect of
16 what could happen to our constituents in our area and
17 community, both their safety and the economy that we
18 have to deal with and prepare for.

19 So I want to now thank FEMA, and although I
20 made light of the criticisms I gave them, their agency
21 for Katrina and the way that that was handled, I
22 certainly want to thank them for being here and their
23 cooperation on this particular issue, Corps, the State
24 Department of Water Resources and the State Reclamation
25 Board all for being in attendance.

1 We've asked them to give us a brief status on
2 their program in the valley, the focus on San Joaquin,
3 Stanislaus and Merced counties. It would be helpful to
4 hear from the agencies what they can do to help provide
5 us with greater financial assistance to these impacted
6 communities.

7 We're going to start off with FEMA. We're
8 going to start with Gregory Blackburn. He's already
9 introduced himself. He indicated to you that he's Chief
10 of Floodplain Management and the insurance branch. So
11 Gregory, you're up first, and we appreciate very much
12 you being here, and please proceed with your
13 presentation.

14 MR. BLACKBURN: Thank you very much. Again, I
15 don't know if I need to stand. There's a sheriff in
16 town, if he needs a clear line of sight or not.

17 CONGRESSMAN CARDOZA: We want to make sure he
18 gets you and not all the rest of us.

19 MR. BLACKBURN: I just wanted to start by
20 saying that FEMA's National Flood Insurance Program
21 identifies flood risk, and identifies this risk on
22 floodplain maps, and by knowing the flood risk, property
23 owners and builders, government agencies, et cetera, can
24 make informed decisions about building on and developing
25 in floodplains.

1 With that brief introduction, I'd like to turn
2 it over to Eric Simmons for the few slides at the start.

3 MR. SIMMONS: Thank you. I just wanted to
4 give a quick overview in that I'm the engineer with FEMA
5 that's leading new flood hazard mapping activity in
6 Northern California. I'm working with many of the
7 communities that are here today. It's been a pleasure
8 going to these communities the last six, eight months
9 and having dozens of coordination meetings. I'm going
10 to touch upon that just a little bit, and I don't know
11 if we can get the next slide.

12 But as many of you know, FEMA maps flood
13 hazards through the National Flood Insurance Program.
14 We do that to make people aware of that risk, and I
15 think I can speak for all those on the federal, state or
16 local level where our ultimate goal here is to reduce
17 future losses. We want to prevent the disasters from
18 happening before they happen.

19 And why is flood hazard mapping important to
20 that goal? It's important because it creates that
21 awareness, and with that awareness decision-makers can
22 make wise decisions on where to build or how to build.
23 So that mapping creates awareness and creates a data
24 really for all strategies to reduce future flood losses.
25 Strategies such as becoming less susceptible to flood

1 hazards such as elevation or flood proofing, strategies
2 such as flood controls, levees and dams, or strategies
3 to minimize the consequences of flood damage, strategies
4 such as early warning or flood insurance.

5 So I think we all agree it's very important
6 especially as the world is changing. Next slide.

7 So FEMA has embarked on a nationwide
8 initiative called Flood Map Modernization. Our goal is
9 to create a digital, countywide flood insurance rate map
10 for really all the counties in the nation. We are going
11 to create accurate flood maps in these countywide
12 format, and sometimes those maps change. Most of the
13 communities in the Central Valley have flood maps
14 currently, and sometimes the new flood maps reflect
15 really little or no change, but because flood hazards
16 change, our dynamic, the new maps may reflect
17 significant changes.

18 Sometimes because of hydrology, new hydraulic
19 conditions such as changes in floodplain fill or new
20 bridge, but really significant changes are often the
21 result of how mapping is done around levees. I think we
22 know that levees require the maintenance and the repair
23 and upgrades, and FEMA has standards for mapping around
24 levees, and we're following those standards as we create
25 new flood maps. Next slide.

1 And so having that new mapping, creating
2 up-to-date flood hazard mapping is our goal. It's not a
3 quick process. It goes through a very deliberate
4 step-by-step process, and FEMA will be issuing draft
5 maps to the impacted communities this fall. Those maps
6 are available. They are in draft format. They do not
7 have insurance impacts at that time, but it allows that
8 information to be discussed and distributed and really
9 make people more aware of the hazards.

10 Again, one of the basic points of the National
11 Flood Insurance Program is so communities can use those
12 maps to administer sound floodplain management programs.

13 So we are more than aware of the impact, the
14 significant changes those flood hazard maps have, and we
15 have begun a very deliberate outreach process. We have
16 resources available to help community officials make
17 their citizens and business owners aware of those
18 changes, impacts to the maps. And that's what Gregory
19 is going to talk about at more length. Thank you.

20 MR. BLACKBURN: Next slide please.

21 If you can read the small stuff, this is a
22 picture of -- on the FEMA website that's dedicated to
23 levee information, and on the right below is the web
24 address there. So if you have a handout you got it with
25 you, if you don't you might want to take it down,

1 www.fema.gov/plan/prevent and that should get you to the
2 point -- the purpose of this slide is to let you know
3 that there is information that we have about levees, the
4 way in which we are dealing with that issue as we go and
5 map. It is a transparent process. We hope to put that
6 information forward so people understand that.

7 Next slide, please. There is also this
8 website, which everybody should take a look at. This is
9 the FloodSmart website. This is information about flood
10 insurance for property owners, homeowners, renters, also
11 insurance agents. There is a secure site for the agents
12 who do policy initiation. There is a ton of information
13 on this regarding individual risks, and it can even, if
14 you put in your address, will give you a low, high or
15 moderate risk profile in that. Plus, it will also allow
16 you to find an insurance agent close to where you are if
17 you need to purchase flood insurance.

18 The stakeholder outreach message that we're
19 trying to give is essentially this: Floods happen
20 anywhere at any time in the United States. It is the
21 most common natural disaster in the U.S., but more than
22 half of all floods that happen in the United States are
23 not touchable by FEMA because the President does not
24 issue a disaster declaration for them. No FEMA
25 assistance comes to town. There are no grants; there

1 are no loans, which means a homeowner who has damage
2 from flood will have no financial resources to recover
3 from that flood unless they have a flood insurance
4 policy.

5 The standard homeowner's insurance policy does
6 not cover floods. The only one that does is a policy
7 from the National Flood Insurance Program. Even within
8 our program, 20 to 25 percent of all the policy claims
9 that we are paid are paid on structures that are outside
10 of identified high-risk area, which is to say the water
11 does not read our maps and stay inside the line. So the
12 message from here is that whether or not you are being
13 required to carry flood insurance should be only part of
14 your decision. You should have it, particularly as if
15 you are outside the high-risk areas, your premium rates
16 are very low for the same coverage you would have in a
17 high-risk area.

18 Next slide, please. The messages that will be
19 of difficulty to deliver because once a map is in the
20 process of change, and we are showing an area, a
21 neighborhood, a street going from low risk to high risk,
22 we understand that there is also a low level of emotion
23 to a high level of emotion if you are the one that's
24 being affected by the map. But as we said, the risks
25 are real, and we understand that they're dynamic. The

1 maps we have in place currently now in the valley in
2 some cases are using data that is 20 or 30 years old,
3 and we have had many storms since then and many more
4 data points to help us deliver a more quality product on
5 the map.

6 Therefore, the message being that the risks
7 are real and changing is a true and real message. There
8 is about a 26 percent chance over the course of a
9 30-year mortgage of a structure that's in a high-risk
10 flood zone of experiencing a flood. Compare that with
11 the roughly 9 percent chance in that same house in that
12 same area experiencing a fire. I think everybody
13 understands the need of fire insurance. For some
14 reason, flood insurance doesn't have the same emotional
15 impact on people's psyches as fire does, but it is true,
16 and it is a real threat.

17 So the new maps are being developed as we've
18 said before to accurately depict flood hazards, to help
19 communities and property owners make informed decisions
20 about how and where to build, and that homes and
21 business owners need to understand that their policies
22 they have right now will not cover a flooding event if a
23 flood were to happen.

24 Next slide, please. In addition to that, some
25 people will be required or right now are being required

1 to keep and carry flood insurance as a condition of your
2 mortgage. If it's a federally regulated lender, they
3 use our flood maps to review their entire portfolio on
4 every loan they make. If the structure is in a
5 high-risk flood zone, they will require the borrower to
6 carry a flood insurance policy. So those are the two
7 small bullets there.

8 If you are in the zone and you have a loan,
9 your lender is going to make you carry a flood insurance
10 policy. Even if you're not in the high-risk zone, the
11 message is pick up the policy anyway because you can get
12 it for a lot less than you would if you were in a
13 high-risk zone. Flood waters don't read our flood maps
14 and will go wherever. Floods can happen for any reason,
15 and if you haven't got flood insurance any financial hit
16 you take because of flood will not be covered by your
17 insurance policy that you have now.

18 Timing in this will be everything. The maps
19 are a legally accurate document, which means there is
20 going to be a bright, shiny date upon which that map
21 becomes effective. For people living in a low-risk
22 area, the flood insurance program will honor people who
23 have picked up a policy and stay loyal to the program --
24 which means you keep it and don't drop it -- by
25 grandfathering in a rate which shows you in a low-risk

1 zone even if that date then with the new map starts and
2 you're in a high-risk zone, if you pick up the policy
3 before that new date we will honor that low-risk rating,
4 which will also save people money.

5 So the message being, buy the policies before
6 the new maps become effective and/or show that you're
7 building is built in compliance with maps that were in
8 effect at the time, it makes you eligible for low rates,
9 and it helps keep insurance costs down.

10 CONGRESSMAN CARDOZA: Greg, could you just
11 mention this point because I think it's a really
12 important point. If there is a lot of folks, especially
13 in San Joaquin County that are going to be affected by
14 the new levee maps, if they buy now they get to come in
15 at the lower rate and be grandfathered and that rate
16 won't change.

17 MR. BLACKBURN: That's correct. If you buy
18 now and you are in a low risk. There are various
19 rates -- it's an insurance policy, so they are rates for
20 your risk. Obviously, higher risk will get a higher
21 rate on the policy, lower risk creates a lower resulting
22 policy premium.

23 CONGRESSMAN CARDOZA: Could you also, just
24 based on your knowledge, sort of give what a low-risk
25 policy might cost versus a high-risk policy so they can

1 see what the difference might be?

2 MR. BLACKBURN: I can do that, but I want to
3 throw the caveat out there first. We will take a
4 residential structure for instance. We insure both:
5 Residence and nonresidential structures. The limits are
6 different. Currently a limit for coverage of a
7 residential house for structural damage is capped at
8 \$250,000. Remember, it's just for the structure. We
9 don't cover land or pay for damage to land.

10 We also can write a policy for contents, and
11 that limit is capped at \$100,000. Roughly speaking, low
12 rates -- low-risk area, the rate on \$250,000 for the
13 contents for just the structure, again -- I'm sorry, for
14 just the structure not the contents, will be 750 to \$800
15 year.

16 If that was a high-risk policy, same type of
17 structure, same coverage amount of 250,000, that will be
18 somewhere in the neighborhood of 1350 to \$1400 a year.
19 Not quite double but in that neighborhood. So there is
20 a substantial reduction to be had by the property owner
21 who buys the policy in advance of the maps and keeps
22 that policy current.

23 The program that I run is called Floodplain
24 Management and Insurance. The maps identify risks and
25 with that communities join the program and have

1 responsibilities under it to manage floodplain areas.

2 This is a definition of floodplain management,
3 but I think a picture is worth 1,000 words, so that is
4 what we consider sound floodplain management. It's
5 really easy. Get the lowest part of the house above the
6 level of the water, however you can do that, whether you
7 put it on fill, whether you build an elevated structure,
8 however it is.

9 I don't know the level on this one. I know
10 this picture was taken in the Sacramento Valley in the
11 '95 events I do believe. So the message again is even
12 if you are not going to be in a high-risk area, please
13 consider flood insurance as a protection for you and
14 your family.

15 So the slide does say questions, but I think
16 in the interest of time, Representative, you probably --

17 CONGRESSMAN CARDOZA: I actually want to move
18 on to the other agencies. We'll have a free-flowing
19 discussion after the presentations. I'd like to call up
20 now Judy Soutiere. She's already going to her computer
21 here about -- she's the flood risk program manager for
22 the Sacramento District.

23 Judy, welcome. Thank you.

24 MR. CHARLTON: One of the things the Corps of
25 Engineers has done particularly out here in the west is

1 we recognized -- we've learned -- maybe we learn
2 slowly -- we've learned from Katrina in New Orleans that
3 we have created a flood risk management program. We
4 have a full-time flood risk program manager in our
5 division office, and we required each of our district
6 offices, and they've responded.

7 Julie is a full-time, dedicated flood risk
8 program manager for the Sacramento District, and many of
9 you in the communities here are familiar and know Judy.
10 This is one of the first steps we're taking to try to
11 respond to some of the needs within the agency. It is
12 just absolutely first step.

13 The other thing that we are doing is we've
14 always had -- for a long time we've had dam safety
15 officers and dam safety program. We've not had a levee
16 safety program, and we are working on developing a levee
17 safety program. I'm in the process of looking for a
18 levee safety officer for our region.

19 We are bringing levees into the same world
20 that dams are in terms of public safety and all the
21 aspects -- and Judy will touch on many of these -- and
22 all the aspects of protecting our communities and our
23 people.

24 CONGRESSMAN CARDOZA: Can I just say thank you
25 to Mark. Let me tell you, out of all -- I've been in an

1 elected level in either state or federal level almost 12
2 years. And out of all those 12 years, no one has helped
3 me more than he has. He's been fabulous.

4 I just want to thank you on all levels. He's
5 very modest that way, but there is no public agency
6 that's been more responsive when we have had issues and
7 challenges. I really thank you for being here.

8 Judy.

9 MS. SOUTIERE: Thank you. Today I'm going to
10 talk a little bit about why we're doing it now, why the
11 big emphasis on levees and did it really start with
12 Katrina. I'm going to talk a little bit about our
13 coordination that we've been doing with FEMA that has
14 had an impact on a lot of you.

15 One of the big programs is maintenance
16 deficiencies. I'll talk a little bit about some of the
17 current authorities we have that are here in the
18 district that affect your counties and then some of the
19 other initiatives that the Corps of Engineers is going
20 to be working on.

21 This emphasis on levees did not happen at
22 Katrina. The Corps of Engineers and FEMA and NASMA and
23 the Association of State Floodplain Managers got
24 together and said, you know, we all need to work
25 together and have a better levee policy and better

1 mapping of levees with FEMA. We need to cooperate a
2 little bit better. This happened before Katrina.

3 And so we've been working together. We have a
4 national team that works together that coordinates
5 between FEMA and the Corps of Engineers, and through
6 that we've discussed all of the mapping needs that FEMA
7 has and how the Corps of Engineers can help.

8 And the Corps of Engineers has committed to
9 helping FEMA with providing all the information we had
10 on our federal levees. But then we had Hurricane
11 Katrina. We've all learned a lot from Hurricane
12 Katrina. One of the things the Corps has learned is
13 that we've known we've had maintenance deficiencies out
14 there. We just haven't necessarily publicized it. We
15 have told the local district, okay, you guys need to go
16 fix your stuff. We've not made it known and not made it
17 public.

18 We've also not been consistent. Sacramento
19 District does things one way, people back east do things
20 maybe a little bit differently. So we're trying to be
21 more consistent with their application of rules.

22 The other thing is we're accepting more
23 accountability for what we are actually doing and trying
24 to work through things that we know we didn't do in the
25 past that we should have been taking care of. So we've

1 learned a lot from Katrina, and we're still learning.
2 And we're trying to put those lessons into action right
3 now.

4 One of the things we've been working on very
5 closely, and that's why a lot of you know me, I've been
6 out here with FEMA in figuring out which levee line on
7 the FEMA map is an actual federal levee and then
8 figuring out whether or not that levee provides the
9 hundred-year protection. And going back through our
10 records and finding out if we had any certification data
11 to help identify that levee for FEMA, we've looked at
12 things where we actually had started a program with the
13 Department of Water Resources over a year ago to help
14 identify inadequacies in the system so that we could
15 help prioritize where we needed to spend our money. And
16 in that program we looked at Freeport issues. We also
17 started looking at what known geotechnical issues did we
18 have. We also went back to the operations of the
19 maintenance manuals. It's surprising that a lot of the
20 manuals were done in the '60s and '70s and have not been
21 updated, and so -- but that's where the original
22 capacities are for the system is what it said it was,
23 and then we bounced it against existing information and
24 new information.

25 And so we have helped identify the PAL

1 categories for FEMA as to which ones we felt could be
2 certified and which ones couldn't, and then how
3 maintenance deficiencies and how that's been affecting
4 the FEMA mapping. We back in 2005 did inspections. We
5 then took those inspections and put them in the files,
6 and then we received guidance from headquarters back
7 last fall that we were to notify everyone about our
8 maintenance deficiencies and actually send them letters
9 and give them one year to do corrective action plans.
10 They had a month to do those -- excuse me -- 90 days to
11 do the Correction Action Plan. They had a year to
12 correct their maintenance deficiencies. We had 32 of
13 them here in California in our district, and so our
14 letters did not go out officially until the 30th of
15 March. So they had from the 30th of March to the 30th
16 of March next year to correct those maintenance
17 deficiencies.

18 We currently have the Corrective Action Plans.
19 They were all submitted to us on schedule by the 30th of
20 June. There are some that we did not receive, but we
21 are in the process of reviewing those Corrective Action
22 Plans, and no final determination has been made on those
23 as to whether they're sufficient or insufficient. We're
24 still in the process of reviewing them, because we
25 had -- like I said, we had a huge number to go through.

1 In the Stockton area, particularly because
2 there are a couple levees here in the Stockton area that
3 did receive our maintenance deficiency letters, they had
4 issues of encroachment, and we have been meeting with
5 DWR, the Reclamation Board and San Joaquin County to
6 work through the issues on the encroachment and what --
7 which ones are permitted and one ones aren't. There are
8 some other deficiencies. But everybody is working.
9 We've got a Corrective Action Plan, and we're trying to
10 work our way through that.

11 One thing is that they have to pass an
12 inspection in order to be removed from the deficiency
13 list. Just because you say you that fixed this part but
14 you didn't do everything else on the inspection, you do
15 have to pass the inspection.

16 The other thing we've been asked by San
17 Joaquin County and the City is to look at can we
18 hydraulically separate these two particular levees that
19 are out there into different segments of the levee
20 system. We are currently reviewing the information that
21 has been provided to us. We thought it was going to be
22 an easy review. It's actually a little bit more
23 complicated than we expected. And so we don't have an
24 answer today. We are still looking at it. But we are
25 actively looking at it. We actually had discussions

1 about it this morning. So we're looking at it to help
2 because that will make an impact on FEMA as to exactly
3 how they decide to map those particular levee segments.

4 But there is a lot of other issues out there.
5 Right here I just have information on the Lower San
6 Joaquin Feasibility Study that we're doing. However,
7 we've been in touch with Merced County about the
8 reinitiation of the Merced County stream groups general
9 reevaluation report. It's just currently waiting for
10 federal funds for us to move forward on that.

11 We also have another feasibility study that
12 we're working on in Stanislaus County called Orestimba,
13 and we are moving forward on that one. We are in the
14 process of right now where we have some preliminary
15 alternatives, and we'll be meeting with the local
16 community in the next couple weeks to go over where we
17 are in that particular project. So we do have a couple
18 of authorities out there that allow us to evaluate the
19 levee systems and to also look at the flood -- what we
20 can do to minimize the flood damages that occur.

21 Now, the reason I have the Lower San Joaquin
22 feasibility study is because this may be the avenue to
23 do a lot of different things. We have a -- in our
24 process we go through a reconnaissance study, and we did
25 the reconnaissance study over two years ago, and our

1 headquarters has approved it. The problem was was that
2 we never quite lined up a nonfederal sponsor. We've had
3 discussions with the State and with the County with the
4 cities in the last, I guess it was just two weeks ago,
5 and we've had discussions about a month and a half ago
6 where we're ready to get started on this feasibility
7 study. And it's at the very beginning, and so we are
8 still scoping what we can do in this particular
9 feasibility study.

10 And so what the next steps that will occur on
11 that is we need to come together as to exactly where
12 we're going with it and develop what we call a project
13 management plan which will outline what we plan to do.
14 We also will develop a cost-share agreement, which will
15 allow 50/50 cost sharing between the nonfederal sponsor
16 and the Corps of Engineers.

17 This particular -- the reason I mentioned this
18 particular study is because there are a lot of things
19 going on, and I know a lot of folks want to get started
20 on fixing their levees. I know we've had those
21 discussions. They want to get started, and they don't
22 want to wait for a Corps' feasibility study to get all
23 the way through the process, get approved by Congress
24 and get the authorization.

25 There are a couple ways where they've been

1 talking about receiving credit. The credit that we can
2 get is only if we have a feasibility study going, and
3 that is called our Section 104 Credit, and that means
4 that we have some sort of a study moving forward, the
5 nonfederal sponsor thinks they have a plan that will be
6 part of the recommended solution, and then they submit
7 appropriate paperwork. And we process it through, and
8 they get approval prior to construction before they
9 actually go to construction, and then when we actually
10 get the project authorized by Congress, then they can
11 receive credit for that during that construction phase
12 for the total project cost. So it is a process that can
13 be utilized. We are successfully utilizing it up in
14 Yuba County right now. We have the process down.

15 There's also has been discussion, I've heard
16 it from a couple different sources about Section 211
17 Authority because that was used here in this particular
18 area, I believe it was the Stockton Metro Project. And
19 that's where the nonfederal sponsor goes out, does the
20 study, does the design, gets the project authorized by
21 Congress, builds it, and then gets reimbursed
22 afterwards. And it's that reimbursement that's not a
23 guarantee, and it takes a very long time because there
24 are certain rules about how much funding you can receive
25 each year for reimbursement. And it's also one of the

1 lowest priorities for the Corps is reimbursement because
2 we want to actually be out there building something,
3 providing protection to folks.

4 So this Lower San Joaquin Feasibility Study
5 may be an opportunity to look at things not just as the
6 Stockton/Lathrop area but to look at the reservoirs that
7 feed the water into that area and perhaps other areas
8 along the San Joaquin. And so I think it's -- we're at
9 the stage right now where we can talk about a lot of
10 things and figure out what we really want to do.

11 Other things that have been in the news that a
12 lot of folks in this room have talked to me about is
13 vegetation on levees. A lot of folks are very much
14 aware that the Corps of Engineers issued a white paper
15 in the spring about removing things bigger than
16 two inches in diameter on the levee system.

17 We had a levee conference back in July that
18 this was very well attended. There is a vegetation
19 conference next week that the Corps of Engineers is
20 hosting with SAFCA and the Department of Water
21 Resources. There will be further discussion about the
22 vegetation and vegetation on levees. There is no
23 decision at this point, and that white paper is only a
24 white paper. It is not policy at this point in time.

25 We are also working on a new levee

1 certification procedure. We've been certifying levees
2 in the past. We've had conflicting guidance, and we are
3 expecting a new -- what we call an ETL or engineering
4 technical letter this fall that will provide us a
5 step-by-step process on how we're supposed to go -- how
6 the Corps of Engineers will certify levees.

7 Another initiative that we have going on is
8 the National Levee Database. And Sacramento District
9 has been one of the test districts for this National
10 Levee Database. They've been gathering all sorts of
11 information, GIS information, they've been scanning in
12 operations and maintenance manuals, they've been
13 scanning in geotechnical information, and eventually
14 it's all going to be up into a database that we can then
15 access and provide information to others to look at. We
16 are currently in the process of doing QA and QC on the
17 data, and so the database has not been populated to its
18 full extent yet. But if it lives up to all the
19 promises, it will be a very good resource and a very
20 good tool for everyone to be able to find out exactly
21 the information on the levees, for the federal levees.

22 We are also one of the test sites for periodic
23 levee assessments. They are going -- one of the
24 national teams that's developing the criteria for levee
25 assessments is going to be out here in the next month

1 doing a periodic -- or what they're considering now a
2 new periodic assessment, and we're going to check the
3 toolboxes to see if what they're coming up with is
4 actually applicable and if they need to go back to the
5 drawing board.

6 So our district is -- in California is we're
7 on the leading edge on a lot of the new initiatives that
8 are out here. As Mark mentioned, the Levee Safety
9 Policy and Procedures Team, we're very fortunate out
10 here. Megan Nagee and Frank Picola are two
11 representatives on that levee policy team. We're the
12 only ones from the west coast. We've got a good say in
13 what's going on.

14 And so these are things that are happening.
15 There's a lot of changes coming on, and we're working
16 our way through them as they come.

17 That's basically all I was going to say right
18 now. I'll turn it back to you, sir.

19 CONGRESSMAN CARDOZA: Thank you, Judy. Judy,
20 I have one question I think that needs to be answered
21 before we move too far afield. And that is the part
22 where you're talking about the reimbursements and
23 whether we go forward, it's a low priority.

24 We have some experience of trying to get
25 reimbursements, not just for the Corps but for other

1 agencies, and it's a tough flog.

2 Mark, do you have anything you want to add to
3 that or do you have any suggestions for Stockton, and in
4 particular, some of the others that might decide to go
5 that route about what the chances are, what the process
6 are, and is it up to me and Jerry to go get those funds
7 every year, or how does that all work? If it's me and
8 Jerry, we want to know up front.

9 MR. CHARLTON: To a very great extent when you
10 begin to talk about the reimbursements, it will be you
11 and Jerry, sir.

12 CONGRESSMAN CARDOZA: I had a feeling.

13 MR. CHARLTON: And one of the reasons is that,
14 as you know with the budgets and the President's budget
15 and the appropriations that we receive from Congress,
16 it's very, very competitive. For to us put a
17 construction project into the President's budget, it
18 needs to have a 3 to 1 benefit-cost ratio. That is an
19 incredible return on an investment. And if you're at
20 1 1/2 to 1, there's a high probability that project
21 won't make it into the President's budget. Now, the
22 Corps of Engineers during the Congressional
23 appropriations process receives a considerable number of
24 specific project adds.

25 But still, there is a lot of very, very good

1 projects -- we call it backlog -- things that Congress
2 has authorized, and we just can't get to. Communities
3 then look to moving ahead. The State of California has
4 fueled this engine and created tremendous pressure on
5 the Corps. But the point is still we need to get these
6 projects planned. We need to get them designed and
7 built. The credits and reimbursement are a high risk,
8 and it is a not -- the federal knot hole is small. You
9 can't receive -- if you are owed \$100 million, you're
10 going to get it dribbled out in 5 to \$10 million annual
11 increments if you get the money. But it's a way to get
12 a project faster and sooner. This is a risk that the
13 local community will accept. There is a process for it.
14 I encourage you to follow the process like suggested in
15 211, but realize what the risks are. It's one way to
16 move a project forward.

17 There is a track record. There is a history
18 of providing these reimbursements and providing credits,
19 but it is -- it is a very competitive environment.

20 CONGRESSMAN CARDOZA: Thank you, Mark. Thank
21 you, Judy. We'll get back to you for more questions in
22 just a moment. We really want to have a lot of time for
23 general discussion. So the next -- and all the rest of
24 those speakers, we're going to try and limit time a
25 little bit, and our next speaker up is California

1 Department of Water Resources, Rod Mayer, Chief of
2 Divisions of Flood Management. Rod, thank you for being
3 here, and we look forward to your presentation.

4 MR. MAYER: Good afternoon. Let's go ahead
5 and move on.

6 When the voters approved Propositions 84 and
7 Proposition 1E last November, the Department of Water
8 Resources realized it has a once in a lifetime
9 opportunity to develop a whole new paradigm and approach
10 to flood management, and it's -- Brinton (phonetic)
11 captured this under what's called a floodSAFE
12 initiative. We've identified three key goals of the
13 floodSAFE initiative. Those are to reduce the flood
14 risk to people of California and their property, develop
15 a sustainable flood management system for the future,
16 and reduce the adverse consequences of floods when they
17 do occur, that is, the floods that may exceed what we
18 design for. And such floods will come along.

19 So let's talk a little bit about the available
20 State funding as a result of what the voters approved
21 last November.

22 Proposition 84 provided \$800 million for flood
23 management, and it's broken into five funding pots. \$30
24 million for floodplain mapping activities, \$275 million
25 for flood control projects statewide, a very flexible

1 funding pot there. \$40 million for flood protection
2 corridor projects. These are generally
3 nonstructural-type projects. This also is a statewide
4 program. It's an existing program that's been going on
5 for several years. 275 million for flood control
6 projects in the Delta. This is just a continued
7 investment the State has been making for many years in
8 Delta levees. And \$180 million for the State's cost
9 share on federal projects statewide outside the Central
10 Valley. So that too has a long history of State
11 investment.

12 Now get to the big money. \$4.09 billion
13 authorized by Prop 1E. \$3 billion, the largest funding
14 pot is for investing in our state, federal levee system
15 in the Central Valley, generally along the Sacramento
16 and San Joaquin River and near tributaries and also on
17 the Delta levees.

18 There is another \$500 million pot for, again,
19 investing in the State cost share on federal projects
20 that are outside the Central Valley. \$290 million in a
21 fairly flexible funding pot for mapping studies,
22 construction of new bypasses and flood control systems
23 and nonstructural projects statewide. 300 million
24 available for storm water flood management projects.

25 So the bond funding is broken up according to

1 these maps. 3.275 billion is available for the Central
2 Valley. 680 million is available specifically for
3 outside the Central Valley, and 935 million is available
4 anywhere within the state.

5 I'm not going to take the time to go through
6 this because of the time constraints, but you do have a
7 handout that shows this, and if you don't have a
8 handout, they are available over by the door. This
9 shows the breakout of Proposition 84 and Proposition 1E
10 and the types of activities that can be funded such as
11 project levees repairs, nonstructural repairs, Delta
12 levees, nonproject levees and so forth, what funding
13 pots are available from the various bonds.

14 And furthermore, if the check mark is circled
15 that means we have actually have funding planned in the
16 current fiscal year once the budget is authorized and
17 signed by the Governor.

18 The floodSAFE initiative can be broken into
19 seven elements. I'll touch on them very quickly. About
20 \$2.3 billion of the total 4.9 billion we think will go
21 to existing and early implementation projects and longer
22 term projects down the years. So we -- although, we
23 know we need to evaluate our system and develop a
24 better, more sustainable system through evaluations and
25 studies, at the same time there is a lot of triage that

1 needs to occur and has been occurring over the last year
2 and a half. We will continue that and to fund such
3 efforts aggressively.

4 800 million available for Delta levee
5 investments. We think about 100 million plus a lot of
6 general fund money will go to managing the system as it
7 is and as it improves. 200 million for planning efforts
8 to improve the system. 300 million for evaluations,
9 which are gathering information and data needed to feed
10 the planning studies that then lead to the later on
11 improvements.

12 1.1 billion for the flood control projects,
13 the federal projects outside the Central Valley and
14 about a hundred million plus general fund money for
15 providing emergency preparedness and flood response
16 improvements.

17 So you've essentially got these two remaining
18 slides. The second one looks just like this but
19 different list of programs. This is the breakdown of
20 what funding is available in the current fiscal year.
21 If you see the item in kind of a washed-out yellow, that
22 means it's a grant program. It's not DWR that will be
23 doing the activity, but it will be DWR handing the money
24 to the local agency. The local agency is undertaking
25 the activity. If it's white, then DWR will be the lead.

1 So the first one, early implementation
2 projects. We just heard a discussion about the lack of
3 federal funding and the difficulty in getting federal
4 funding. We realize that's certainly the case. If you
5 look at those numbers I just went over, like
6 2.3 billion, if we follow the historic practice of State
7 partnering with locals and partnering with the Corps to
8 formulate the project and build a project and go through
9 the 10, 15, 20 years it takes, then that 2.3 billion
10 would actually result in perhaps 8 billion, \$9 billion
11 in total investments. We're probably not going to see
12 that. That's not very realistic. We only have ten
13 years to spend these bond funds or they revert and don't
14 become available to us anymore.

15 As a result, the State is saying it is willing
16 to step forward and partner with local agencies on a
17 cost-share basis and build projects sooner ahead of the
18 Corps. What wouldn't have asked for is in doing so in
19 most cases we're going to want to see federal credit and
20 partner with the Corps, make sure these projects are
21 built according to federal standards, preserve the
22 opportunity for credit, keep the Corps involved in the
23 process, and we need to have planning studies that go
24 simultaneous with the construction in order to
25 facilitate that.

2 These early implementation projects, we're
3 funding \$200 million this year. We have already
4 solicited grants. Within the next few days we'll be
5 making our decisions on which projects are funded. We
6 will continue in subsequent years. A great opportunity
7 for local agencies to step forward, have plans, submit
8 their applications, and be funded by the State on a
9 cost-share basis.

10 The next activities, repair critical erosion.
11 DWR has been repairing many critical erosion sites. At
12 this point there are 110 sites that are under repair.
13 We've been partnering closely with the Corps to get that
14 done, and it's primarily in the Sacramento Valley, but
15 some of the sites are also in the San Joaquin Valley.

16 We have \$70 million that's going to be
17 available for levee evaluation work. Very key to
18 identifying where the levee deficiencies are. We've
19 been doing this drilling work, and we're going to
20 continue doing this work starting with the area levees
21 and expanding to the rural levees.

22 We have a sediment removal program focused on
23 the Sacramento Valley. We have 57.9 million available
24 for Delta levee investment, essentially a tripling of
25 our investment. That's historically been taken by DWR.

 We have a grant program to do urgent repairs

1 on local levees. That will be 50 million available in
2 the near future grant program, and we also have a
3 related program to give grants for levee evaluations,
4 ten million, so total of 60 million.

5 We have funding for capital outlay projects.
6 None of them are in this area at this point but can be
7 in the future. We also have money for feasibility
8 studies earmarked for specific areas. None of those are
9 in this area at this point, but they can be in the
10 future.

11 We have a flood control subventions program
12 for nonfederal share on federal projects, and we have
13 \$100 million in the budget for that.

14 102 million was proposed for storm water flood
15 management projects, been pulled out of the budget to be
16 put into a policy bill. So 102 isn't quite realistic.

17 We have a floodway corridor program that would
18 provide about 30 million in grants, plus a couple
19 million for administration to develop a new program for
20 nonfederal projects statewide. There's a little detail
21 difference between your handout and what shows up on
22 here. There's a Flood Protection Corridor Program,
23 continuation of what's been going on for many that would
24 fund nonstructural projects.

25 We have funding for mapping studies and for

1 evaluating our system to develop basic information
2 needed to develop a new State plan of flood control and
3 a more sustainable system meeting one of our floodSAFE
4 goals, and that comes to about 45 million total.

5 And on the last two items, a grant program
6 that we're developing for regional flood plans,
7 \$10 million for that and another grant program for
8 feasibility studies for specific feasibility studies or
9 projects to be implemented typically in partnership with
10 the Corps.

11 Finally, \$6 million available for development
12 of the California flood plan, the statewide plan. One
13 of the key elements would be a new State plan for flood
14 control under that California flood plan. We'll be
15 partnered with all the local agencies affected in the
16 Central Valley on development of that new plan. There's
17 our website.

18 CONGRESSMAN CARDOZA: Thank you. Really
19 appreciate that background, Rod.

20 Next we have with the State Reclamation Board,
21 Jay Punia.

22 MR. PUNIA: Yes.

23 CONGRESSMAN CARDOZA: Thank you for being
24 here, look forward to your presentation.

25 MR. PUNIA: Good afternoon. Jay Punia,

1 General Manager, State Reclamation Board. Myself and
2 Board President Ben Carter is going to give you quick
3 overview how we can help the local communities and how
4 we fit in the overall scheme to improve the flood
5 protection for this area.

6 U.S. Army Corps of Engineers, as Rod
7 mentioned, that with the proposition funding coming in
8 we want to make sure that we line up the federal
9 funding, so we need to coordinate with the U.S. Army
10 Corps of Engineers to get federal participation, and
11 that's where the Reclamation Boards come into the
12 pictures.

13 If anyone wants to do anything on the federal
14 flood control project, they have to approach the State
15 Reclamation Board. Either they need encroachment permit
16 under Section 20810, or we have to modify the project
17 under Section 408. I'm sure lot of people have seen our
18 Title 23 Reclamation Board permit requirements so they
19 have to apply and get a permit from the State
20 Reclamation Board. And if it's a minor regular
21 operation and maintenance type activities then they need
22 to put a stair steps or put a pipe through the levee
23 then we can issue them the permit and the district
24 engineer can approve those kind of permit under the
25 Federal Code of Regulation Section 20.810.

1 But if the local community has to alter the
2 project, that they need to move the levee away from its
3 existing location or they need to put a slurry wall or a
4 land slide seepage berm, then they need federal approval
5 under Section 408. That is a quite lengthy process,
6 takes quite a bit action on the Board level and at the
7 Corps level, and we are trying to streamline that
8 process so that it doesn't take long for the local
9 communities to modify or alter the federal flood control
10 project.

11 And I will ask Ben to give a little bit that
12 we are doing to streamline this process.

13 MR. CARTER: Good afternoon, ladies and
14 gentlemen. Ben Carter, President of the State
15 Reclamation Board.

16 Just specifically and very briefly, the Board
17 and DWR are in the process of dialogue with members of
18 the Corps to -- in efforts to streamline this process.
19 We are specifically in the process of asking the Corps
20 for two things in particular. One, we've have asked the
21 Corps to participate in an ad hoc committee reviewing
22 the process and for the purpose of identifying a
23 streamline process that -- for the review of the 408
24 process.

25 And at the same time we are asking the Corps

1 to consider delegating the authority for 408 approval to
2 the division or the district to the extent that it's
3 feasible. On both of these requests, the Corps have
4 expressed an interest in considering and discussing
5 those requests. They seem open to discussing it. We
6 will know soon, hopefully whether there will be any
7 action in this regard and if the Corps is -- basically
8 complies with our request or grants our request, then we
9 will have a number of projects that we'll be able to
10 move forward much, much more quickly than under the
11 current existing process.

12 MR. PUNIA: Thank you, Ben.

13 And Congress asked Section 104, it's a team
14 effort. First the locals have to apply to the Board,
15 and we will work with the U.S. Army Corps of Engineers
16 to get in line for advance credit under Section 104.

17 Then operations and maintenance, I just want
18 to show -- some of the people may not have seen the U.S.
19 Army Corps of Engineers' manual. For example, this is a
20 Bear Creek owner's manual. The Reclamation Board will
21 order the project, they hand it over to the State
22 through the Reclamation Board, and tell the Board that
23 you shall maintain the project according to the
24 standards. And we hand those responsibilities over to
25 the locals. So we work with the locals to make sure

1 that all the maintenance is in compliance with the
2 appointed manuals.

3 And we also permit authorized encroachments.
4 A lot of time people want to superimpose additional
5 things on the flood control projects. They have to come
6 to the Board, and we will give them the permits.

7 CONGRESSMAN CARDOZA: Jay, could I interrupt
8 you for just a second?

9 MR. PUNIA: Sure.

10 CONGRESSMAN CARDOZA: You're talking about
11 the -- you give it to the locals to the operation of
12 maintenance. Why are so many of -- why is so much of it
13 in noncompliance if you're going by the manuals? Is
14 there an easy answer to that, or is it just the manuals
15 are due?

16 MR. PUNIA: The manuals have been there for a
17 long time. I think there is multiple issues.
18 Previously, the Corps was a little lax, and after
19 Katrina they're elevating and monitoring more closely
20 and education issues. Previously, the policy was the
21 same the Corps, but now they are looking at more closely
22 coming up with this new white paper.

23 CONGRESSMAN CARDOZA: So there's impact with
24 the Endangered Species Act, is that what happened?

25 MR. PUNIA: I think it has definitely

1 increased the cost of the local levee maintaining
2 agency. When the projects were handed over to the
3 locals, these issues were not to the extent now the
4 Society is demanding them to comply with these
5 Endangered Species Act. So when they signed to do the
6 maintenance, it was simple that a farmer with a backhoe
7 or dozer can do it, but now they have to write -- to
8 comply with these regulations, they have to get the
9 permits, write sometime the water impact reports. So
10 the effort has increased substantially when they signed
11 on the dotted line that they will maintain the project.

12 CONGRESSMAN CARDOZA: And finally, has there
13 been some situations where the technology has changed or
14 improved? In New Orleans, for example, they found that
15 when the levees started to spill over as they did, there
16 was no footings underneath the flood walls. And you saw
17 just a cave-in basically. The walls collapsed 'cause
18 the footings weren't there. So now they built two
19 walls. The walls go up, then there's a footing at the
20 bottom.

21 Is that part of what you're talking about as
22 well, technology has changed and things don't work the
23 way they used to?

24 MR. PUNIA: Actually, there is more knowledge
25 about these projects, and previously we didn't look that

1 closely under seepage, those type of issues. We are
2 looking at them more closely, more analysis to make sure
3 that the project work as designed.

4 CONGRESSMAN CARDOZA: Thank you. I'll let you
5 go forward.

6 MR. PUNIA: So we permit authorized
7 encroachments, but there are projects unauthorized
8 encroachments. Some are inherited when the project was
9 accepted. Now, the Corps is saying at that time they
10 accepted it, but now they're saying they don't meet the
11 standards. So I think we are working with Roger and
12 Steve in addressing those issues and we need to work --
13 cooperate with the Corps, locals and us, State, to
14 address those unauthorized encroachment so we are not on
15 that list, which Corps has prepared so that we are
16 declared that levees are maintained to the standards.

17 Unauthorized encroachment, this is a big
18 issue. This will take time. I want to stress there are
19 issues. The simple unauthorized encroachment fence,
20 steps, can be addressed by the local maintaining agency
21 easily. But there are some encroachments which are part
22 of the easement when the project was adopted. Those
23 will take some time and effort to resolve it and some
24 funding also.

25 At this time we don't have a State funding

1 allocated to that action, so it will take effort and a
2 funding source to address all those unauthorized
3 encroachments.

4 And then vegetation is a big issue. And,
5 again, I will call up Ben Carter to explain the Board is
6 taking a big role to bring some flexibility into the
7 vegetation policy.

8 MR. CARTER: Not to take anything away from a
9 group of folks that have been working on this issue for
10 a while, but there is an organization or a group of
11 inter-agency representatives that have formed an
12 inter-agency collaborative forum, and they have been
13 working on inter-agency issues for quite while.

14 What the Rec Board has done is kind of stepped
15 up their level of effort in terms of addressing the
16 vegetation management issue. As a result of some
17 momentum that was established at the levee conference in
18 July, as you may recall, it was widely reported in the
19 newspapers and the news that when General Van Antwerp,
20 the Commander of the Corps, was here in California, he
21 opened the door saying that there was going to be a
22 national standard, that it would communicating intent
23 for the vegetation standard, but there would be
24 flexibility for the regions to adapt that so that it
25 worked for their particular areas.

1 He is remaining firm on that stand. He
2 thought about that. He -- I was on a tour on the water
3 with him when he toured the Sacramento River looking at
4 the various types of vegetation that were growing on the
5 levees. There were restoration projects where we were
6 actively planting vegetation on the levees. He is very,
7 very familiar with this. He has been a huge help and
8 support in moving this forward.

9 The Reclamation Board is attempting to bring
10 together the leadership of the levee maintaining
11 agencies as well as the resource agencies to discuss the
12 broad policy concerns with regard to establishing a
13 levee vegetation standard for California. We're doing
14 that following the vegetation symposium next week.

15 So we're very, very hopeful, very, very
16 optimistic that the participants who are going to be
17 attending have been very, very supportive and open.
18 We're optimistic we'll be able to make some progress on
19 that very, very soon.

20 CONGRESSMAN CARDOZA: I just caution we are
21 running out of time for this section of the
22 presentation.

23 MR. PUNIA: I just want to wrap it up that we
24 also participate with the Corps in the feasibility
25 studies and the new projects. And one of the -- to get

1 the credit from the U.S. Army Corps of Engineers, you
2 have to have projects going on. I think the locals are
3 taking the right steps to get the feasibility studies
4 going so we can ask Section 104 for credit from the U.S.
5 Corps of Engineers.

6 In addition to all this, the Board provides a
7 forum for open debate and discussion. I think the Board
8 members are appointed from the general public.
9 Sometimes an engineer has a narrow view, and they look
10 at the project from a bigger perspective. I think
11 that's the beauty of the State Reclamation Board.

12 CONGRESSMAN CARDOZA: Thank you. Thank you
13 for a great presentation.

14 What I'd like to do is open it up to the
15 general discussion and sort of get to the meat of what
16 we're trying to do here. At the outset give you some
17 fodder to chew on a bit, and I want to start with a
18 presentation from the counties and different agencies
19 for three minutes. And we're going to start with the
20 least complicated first, or what I think might be the
21 least complicated. We'll start with the southern part
22 of the valley and work our way to the Delta because I
23 think the Delta has the most challenges from a number of
24 perspectives.

25 So Merced get ready. I'd like to keep the

1 discussion general and focused on a vision for the
2 future, keeping specific discussions for trouble spots
3 to the end when we have more time after we sort of added
4 some of the bigger issues and ask some of the following
5 questions: Are there issues of common purpose, and are
6 there advantages to working together in order to meet
7 some of our regions future needs? Would working on a
8 regional plan similar to the one-voice plan be possible
9 and beneficial?

10 There are other areas of the State such as
11 Sacramento County or impacted communities formed a
12 consensus, a plan to address these flooding challenges.
13 After plan was agreed to and supported by the local
14 community, the Sacramento Area Flood Control Association
15 was able to take great advantage of state and federal
16 funding opportunities, what could be done to replicate
17 that model, and it is beneficial to replicate that
18 model?

19 Are the issues amongst the counties too -- are
20 they similar or are they too dissimilar to effectuate
21 this kind of structure and would a formal structure or a
22 loose affiliation be a better structure?

23 I want to start, as I said, with Merced
24 County. I'd like to call on Supervisor Kelsey to
25 introduce -- I assume you will have Paul Fillebrown

1 discuss this, but I want to turn it over to you first
2 and take your three minutes as you will to sort of
3 outline your issues and sort of put them on the table.

4 SUPERVISOR KELSEY: I'm Deidre Kelsey from
5 Merced County. I'll have Paul Fillebrown give us an
6 outline, 'cause he can better utilize the time.

7 MR. FILLEBROWN: Okay. Let me start off,
8 first of all, we had a Corps project authorized
9 originally since the early 1940s, and right now we're
10 waiting on a general review and reevaluation, which
11 apparently there is no funding for at this time, which
12 we need desperately to get control on Black Rascal.
13 That's one issue.

14 That's been the source of flooding several
15 times over the last ten years. It's caused considerable
16 amount of damage in the Merced County area and city of
17 Merced.

18 Another issue we have is the maintenance of
19 natural channels that basically drain a number of
20 federal flood control structures that are up in the
21 foothills, and our problem is getting a screen bent
22 alteration permits to maintain those channels. Doing
23 that requires us to clear the channels, keep them clear,
24 but in order to do so we face restrictions from Fish and
25 Game, which require that we take out trees, we got to

1 replant trees in their place. Seems to defeat the
2 purpose. Not only that, we have to do environmental
3 studies to be able to do the stream clearing that we
4 have to do.

5 Those are our two biggest issues I believe
6 that are facing us right now. We do need flood control
7 on Black Rascal Creek. We need a method to get the GRR
8 funded, and we need a project for flood control here in
9 Merced County.

10 CONGRESSMAN CARDOZA: What about the levees on
11 the westside of the county?

12 MR. FILLEBROWN: In terms of Merced County
13 itself, jurisdiction, the only channels we have
14 responsibility for are the Los Banos Creek itself, which
15 is basically a natural channel and then on the east side
16 the Merced Streams Group, those are the only ones that
17 we have official responsibility for. There are other
18 districts and organizations within Merced County that
19 have levees of their own, such as the Lower San Joaquin
20 District.

21 CONGRESSMAN CARDOZA: Paul or Jim, do you have
22 a view of the world whether or not it would be
23 beneficial to Merced to be apart of a greater
24 collaborative effort? Or are you too far removed?

25 MR. FILLEBROWN: The issues that are facing us

1 most pressing right now I believe are mostly localized
2 issues on the streams that affect, for example, the
3 urbanized area around the City of Merced.

4 Right now those are the most pressing issues
5 effecting us right at the moment.

6 SUPERVISOR KELSEY: I just want to comment on
7 some of the streams on the westside that drain to the
8 Federal Grassland Reserves. It doesn't seem like
9 anybody is taking care of them. The property owners
10 that are the ones that are the victims of flooding can't
11 seem to get anything going to get permits to clear the
12 streams. We're trying to help those folks on Garza
13 creek. It's just a long, long road, and it's taking
14 forever to get anything done.

15 CONGRESSMAN CARDOZA: Mark, I'd like to ask
16 the Corps of Engineers and possibly FEMA to conduct
17 another meeting specifically to Merced and those issues.
18 They seem to be outside the levee.

19 MR. CHARLTON: We can do that.

20 CONGRESSMAN CARDOZA: Thank you. Deidre, I'd
21 like you and the Board and also the City of Merced to
22 decide this question of working together or not, 'cause
23 a formal opt in or opt out might be beneficial so we can
24 then know whether we include you in the future.

25 SUPERVISOR KELSEY: We will definitely look

1 into it.

2 CONGRESSMAN CARDOZA: Thank you very much.

3 Next up I'd like to call on Stanislaus County
4 and turn it over to Supervisor O'Brien.

5 MR. O'BRIEN: I'm just going to take a quick
6 30 seconds, and I'll turn it over to the Public Works
7 Director.

8 The City of Newman has flooded 13 times in the
9 past 50 years. Annualized losses of \$8 million a year.

10 CONGRESSMAN CARDOZA: How many, is it three
11 hundred-year floods in the last ten?

12 MR. O'BRIEN: Something like that, yeah. Two
13 years ago someone lost their life in the flood. We have
14 a feasibility study going on with the Corps, and it's
15 been a long process. We're actually making a lot of
16 headway, and thank you to Congressman Cardoza for all
17 your help in the funding.

18 Just a little bit of frustration on my part.
19 We hear from DWR and all the money that's available for
20 projects, and it's very difficult getting any funding at
21 all. The Delta destination stops at our county line.
22 It's difficult.

23 And I'm going to introduce Matt Machado our
24 Director of Public Works.

25 MR. MACHADO: Thank you, Chairman O'Brien.

1 Can everybody hear me? I don't have a microphone back
2 here. Is that on?

3 Chairman O'Brien spoke to the Orestimba Creek
4 project, which is a great project, moving forward very
5 well. We've got some alternatives identified, and we
6 will be bringing that to the public to discuss. So that
7 was moving forward.

8 Two other areas of concern, we do have some
9 levees along 132, which protect the highway and also the
10 Hetch Hetchy project areas, and those areas are a bit of
11 concern for us. They are going to be decertified, and
12 there is some potential flooding along that stretch of
13 the San Joaquin.

14 CONGRESSMAN CARDOZA: Matt, can I just mention
15 as an aside, not to interrupt your discussion, but I'm
16 concerned about those as well, because what -- they take
17 low priority generally 'cause they mainly affect
18 agriculture lands, but what is not ever mentioned in
19 those discussions are they cut off highways if they get
20 too high. There is significant dislocation of residents
21 who need those routes to commute, agricultural products
22 getting to market, all those things are very much
23 complicated when 132 floods.

24 And I think they deserve a higher level of
25 attention than what they get on the state and federal

1 level. I just wanted to put my two cents in.

2 MR. MACHADO: Thank you. We appreciate that.
3 We do see that as a major link to us. Also the Hetch
4 Hetchy, that's a major supply of water through that area
5 and could be some concerns there also.

6 Of course, the other more regional area or
7 more regional for us is our entire federal levee system.
8 The remaining 31 miles of certified levees are going to
9 be decertified. We're not exactly sure the effects of
10 that. We're looking into that now to see if there are
11 some newer areas that are going to be brought into the
12 floodplain that have urbanization, or if there are other
13 important transportation links or infrastructure type
14 links. We're still looking into that. That's a big
15 concern.

16 That will pretty much take our 53 miles of
17 federal levees, take it down to zero miles of certified
18 levees. That's something we're very watchful and trying
19 to figure out the ramifications of that action.

20 CONGRESSMAN CARDOZA: Thank you. I'd ask same
21 the question of Supervisor O'Brien. We'll have to
22 communicate with other incorporated areas that aren't in
23 attendance on whether or not it makes sense to
24 coordinate on a regional basis if you want to be part of
25 that or you don't want to be part of it. And if you do

1 an examination of that, we would look forward to hearing
2 from you. That would be very helpful.

3 Next I'd like to talk with the Lower San
4 Joaquin Levee District, their issues get to be a little
5 more complicated so we're taking you next. And Reggie
6 Hill is the Executive Director and Don Skinner is a
7 Board member.

8 Can we have the two of you make a brief
9 presentation as well?

10 MR. HILL: Basically our project is a state
11 project. It was built by the State of California.
12 We're just the O&M agency. Basically, any revenue that
13 we operate from is basically for that purpose. So we
14 have no funding for any type of capital-improvement type
15 situations to improve any problems that may occur out
16 there. I think it's really important that we do
17 understand that anything that happens on any type of
18 river, stream or whatever is going to effect that area
19 not only there but also maybe downstream.

20 It think it is something that needs to be
21 pursued. I know in our portion of Merced County, State
22 Route 165 coming out of Los Banos is a major arterial
23 route that is a emergency evacuation route. Whenever we
24 have high-flood waters on the San Joaquin, what happens
25 is the impacts that we receive from the Merced Stream

1 Group cannot get into the system. What happens is it
2 incapacitates Highway 165 and basically cuts that route
3 off.

4 So there is definitely avenues that need to be
5 pursued to try and figure out what's the best way to try
6 and perceive and correct those kind of situations.

7 Again, I will repeat again what Paul
8 Fillebrown mentioned is that a lot of the maintenance
9 issues that we do have to contend with have to deal with
10 the Endangered Species Act and the conditions of those
11 regulatory agencies. We try to pursue an approach back
12 in the early '90s.

13 Again, going back to the issue that Jay Punia
14 brought up is that a lot of these projects that were
15 built were built prior to the enactment of the
16 environmental laws. So what has happened is we're
17 having to try to comply -- what has happened is in the
18 early '90s we tried to get a 404 permit for the entire
19 project. And understand that our project not only
20 encompasses parts of Merced but also Madera and Fresno
21 Counties.

22 Our district encompasses over 300,000 acres
23 and a hundred miles of the San Joaquin River. In order
24 to get a permit from the Army Corps, we were requested
25 that we had to do an EIS. Back in the early '90s, our

1 annual budget for what we maintained was right around
2 \$600,000, and EIS at that time was going to cost us in
3 the vicinity of over 2 to \$3 million.

4 So basically like I said as I mentioned
5 before, we do have that type of revenue funding resource
6 to try and approach that kind of issue. So basically we
7 kind of changed our approach to go from what the intent
8 was using heavy equipment, we're now using a lot of
9 herbicide application to try and prevent new growth and
10 do some type of anti work with existing growth. So
11 there is a cost and value related with that, but like I
12 said, trying to get permits from Fish and Game, U.S.
13 Fish Wildlife Service and Army Corps through their
14 regulatory departments is -- it's not a preventative
15 measure but the hurdles they present are very, very
16 large.

17 CONGRESSMAN CARDOZA: Especially when you
18 can't afford it.

19 MR. HILL: Like I said, the hurdles are so
20 large that basically our Board of Directors made the
21 determination it's better spent of public funds to do
22 the things we're doing now than to try to pursue that.
23 And in the end there is no guarantee you will get your
24 permit.

25 CONGRESSMAN CARDOZA: Thank you. Now comes to

1 the real problem child in the room. That's San Joaquin
2 County and the whole Delta area, and I want to turn it
3 over to my good friend Supervisor Victor Mow and maybe
4 Tom Flinn.

5 SUPERVISOR MOW: Thank you, Dennis, for
6 hosting this event this afternoon. I'm going to defer
7 to either Manuel Lopez or Tom Flinn.

8 MR. FLINN: Thank you, Chairman Mow. San
9 Joaquin County is, as often put, is not only the
10 crossroads of water, it's also the bottom of the
11 bathtub. And I think we see that in a series of issues
12 of not only in prior years, we spent a lot of effort in
13 trying to work for water supply for our community.

14 Particularly, post Katrina we're focusing on
15 the issue of flood control. There is also the whole
16 discussion going on with respect to what's going to be
17 the future of the Delta, Delta vision studies, a lot of
18 things the State is undertaking.

19 There is a multitude of issues we have in our
20 county. Of course, first of all, we most recently have
21 gone through the PAL process. We are the first to have
22 had the pleasure of going through that process, and I
23 think we've identified some issues out there, some which
24 I think we can resolve hopefully relatively easily.

25 Probably the one issue that we find the most

1 concerning right now is the issues of maintenance
2 deficiencies, perhaps encroachments in a small area
3 having dramatic impact on many, many miles of levees,
4 which really doesn't seem to be logical. We're
5 anxiously awaiting a response on that issue. It has a
6 tremendous impact on flooding for probably more than
7 half of our community. We're also working actively --
8 we're unique here too. We're trying to put together a
9 community flood control project looking primarily at the
10 Stockton -- I'll called it the Stockton metropolitan
11 area, which stretches all the way from the northern
12 reaches of Stockton all the way down to south of
13 Manteca. That incorporates not only the county but
14 three cities, the City of Stockton, the City of Lathrop,
15 the City of Manteca as well as nine reclamation
16 districts.

17 The county doesn't do some maintenance of
18 levees, but most of those are the levees that feed into
19 the Delta. Those along the Delta to the south are
20 another issue in itself.

21 I'd say overall we've have had a very good
22 cooperation. There are two engineers who -- two of the
23 representatives of the Reclamation District here that
24 are probably known statewide, Mr. Nomellini and
25 Mr. Neudeck, which have been very good at helping us to

1 begin to solve the problems.

2 We have a multitude of issues to solve. We're
3 looking at these issues as coming at us in a series of
4 waves, levee decertification, then the next question is
5 standards. We're not sure what the new standards are
6 going to be, not only as far as underseepage which is an
7 issue as also the issue of seismic, and then finally
8 when we finally do redo, I think you've heard a lot of
9 folks discuss the fact that we're going to need to
10 reevaluate the overall flows of the system, and that's
11 going to take some time.

12 One of the our big problems is how can we
13 begin to identify what the solution is when we're really
14 a long ways from identifying what the problem is? We
15 need to figure out these parameters before we get to the
16 solution. One thing that I think has been kind of
17 enlightening which we've looked at too is we've been
18 working through the Delta vision process. At some
19 levels the representatives is seeing that the solution
20 to the Delta problem is not necessarily the Delta. The
21 solution to the Delta problem is upstream of the Delta.
22 The solution to the Delta is taking a look at how we
23 operate our facilities upstream of the dams, looking
24 historically how the floodplains used to operate.

25 Also this is turning into become a water

1 supply issue too. There is some pretty good overdraft
2 or groundwater basins, downstream in the valley, and
3 perhaps if we look at how we manage that overall system,
4 we might be able to do some groundwater recharge where
5 we can actually reduce the dependence on the Delta. So
6 I think it's a multifaceted problem, and the flooding
7 itself is just one piece of it.

8 CONGRESSMAN CARDOZA: Thank you, Tom. I'm
9 going to go back after we discuss with the cities that
10 are involved in this to ask you again to decide whether
11 regional approach is best way to go. And you may not be
12 prepared to answer that today, but I'd like to have some
13 idea. And I know Jerry would like to have some idea on
14 how to move forward.

15 Clem, do you want to talk on the behalf of
16 City of Stockton or turn it over to someone from the
17 City? Is there somebody that you want to respond --

18 COUNCILMAN LEE: Yeah. Although, we share
19 obviously a lot of what you just heard but I'll
20 introduce Bob Murdoch who can --

21 MR. MURDOCH: Really we've been working
22 cooperatively with the county for a long time. FEMA
23 came to town in the early '90s, and we responded by
24 creating a joint powers authority with the county and
25 funded about \$70 million worth of improvements to keep a

1 great portion of the City of Stockton from going in a
2 floodplain. Here we are ten years later. Looks like
3 we're going through the process once more. We have
4 started a group with the cities and the Reclamation
5 Districts and county to try to cooperate and come up
6 with a regional solution for ourselves.

7 So I mean the things that really concern us at
8 the moment are the maintenance issues and the ability to
9 hydraulically separate small portions of several
10 waterways and keep impacts localized.

11 Not to go too depth, but we have one
12 waterway -- Bear Creek, we have couple boat docks down
13 at the very bottom of the waterway on the south bank.
14 FEMA's current policy is to decertify both sides of the
15 bank, both banks, both north and south for many, many
16 miles. That's going to have a tremendous impact on the
17 City of Stockton when in fact the actually impact would
18 be very localized.

19 Those are the main issues that concern us as a
20 city, and we're trying to work through those with FEMA
21 and the Corps.

22 CONGRESSMAN CARDOZA: Thank you.

23 COUNCILMAN LEE: I have to leave. The mayor
24 had to leave. We have a budget committee meeting, which
25 we're not sure which is more unpleasant this or --

1 My parting shot would be to emphasize that
2 we're -- the City is committed to a regional approach.
3 We really think that we have to synthesize both the
4 technical and the political. We think we're behind the
5 eight ball. We don't think we are -- have been engaged
6 or animated correctly relative to these issues. So as
7 to the exact mechanism, I know there is some discussion
8 about one way or the other, but it's -- it can't come
9 down -- somebody said very well earlier it can't come
10 down to posturing or ego. We've got to be really
11 solution oriented. It has to be regional. We have good
12 examples in other areas very close by who have gotten on
13 the right track in taking care of this business. We've
14 not done it. So we're looking at some regional answers
15 to this.

16 CONGRESSMAN CARDOZA: I'd like to share your
17 view that it needs to be regional, but one thing I want
18 to make sure is that it's your decision collectively
19 what that construct looks like. It's not my decision.
20 He doesn't want to make that decision for you. He wants
21 you all to decide what you want. All our role is to try
22 to facilitate those discussions and get everybody at the
23 same place at the table to make those decisions.

24 COUNCILMAN LEE: And we appreciate that and we
25 would agree. We're not trying to hit anybody over the

1 head with anything. There are some ongoing dialogue,
2 lot of the communities, lot of the business entities
3 have kind of signed on with one approach. But, again,
4 it's all going to come down to what the outcome is, and
5 we have to find a way to be bigger than this problem to
6 solve it, and that's not always easy with politicians,
7 frankly, that's what we all are. We're going to try to
8 be better than ourselves and get this done.

9 CONGRESSMAN CARDOZA: I'd like to it turn it
10 over to Mayor Sayles down from Lathrop and talk a little
11 bit about the impacts in her community and what kind of
12 approach they feel is more appropriate.

13 MAYOR SAYLES: Thank you very much, and
14 Congressman Cardoza, I would like to thank you for
15 calling this meeting, having this roundtable, everybody
16 at the table is very important. So thank you from the
17 City of Lathrop.

18 I will turn this over first to Cary Keaton,
19 and then I'll follow up on the back end.

20 MR. KEATON: Thank you. Just from a technical
21 end, Tom Flinn really hit the main issues for Lathrop.
22 Lathrop is protected by RD17, Reclamation District 17,
23 and the process of decertifying is to close from the
24 process of putting the levees behind -- or putting the
25 City behind 100-year flood zones. What we really need

1 to space those out so we have time to figure out what
2 the standards are, what the flows in the river, what
3 flows we have to meet and in designing any type of
4 improvements, and just the process of what is the
5 recertification process. If we have a fast-track
6 process where we use local money, what is that process?
7 And we need to figure all those things out very quickly
8 because for a city -- a small city like Lathrop, these
9 have tremendous or could cause tremendous economic harm
10 to the city. And so this is, for us, it's very, very
11 important to figure all this out quickly.

12 MAYOR SAYLES: Just a brief history of where
13 Lathrop has been and where it's going. Lathrop
14 incorporated 1989, through the '90s started planning for
15 the future of the City. That meant development and all
16 that goes with it. We were labeled the seventh fastest
17 growing last year and moved up to the fifth fastest
18 growing in the State of California.

19 Obviously, there is tremendous growth in the
20 entire county. Lathrop was very cognizant of building
21 and developing responsibly. Again, with RD17 having the
22 accreditation of having the hundred-year standard, there
23 really weren't as many concerns then as there is now.
24 The City of Lathrop required development to install tow
25 drains, have setbacks of between 50 and 150 feet and

1 made those conditions of development within the city.

2 I do believe Lathrop has been very
3 responsible. Obviously, we've had underseepage issues,
4 and those issues are something that need to be dealt
5 with.

6 Again, to reiterate what Cary Keaton said, to
7 decertify a levee without having certain standards for
8 what we can do to improve it really puts a city at a
9 disadvantage. Especially when there are certain
10 interests within our community who are willing to pony
11 up the money to fix the problem. So if you take those
12 players out of the equation, we are really in a position
13 of being in a bind. So we really need to come to some
14 kind a solution. And I fully believe it needs to be
15 something that is done regionally. Everybody comes to
16 the table and says this is what we're going to do to fix
17 the problem. With that, that's my comments.

18 CONGRESSMAN CARDOZA: Thank you, Mayor.

19 Is there anybody here from the City of
20 Manteca?

21 MR. STONE: I am. I don't have a lot to add.
22 We are probably less impacted than many of the other
23 cities. I would sort of go along with Lathrop. We are
24 slightly larger than they are, but we're also a small
25 city. As a small city, the frustration we're trying to

1 understand, all of these entities and all this
2 regulation makes it extremely difficult. That's one
3 reason it needs to be a regional approach. The City of
4 Stockton can maybe have the staff to work their way
5 through it and form a project.

6 Manteca, Lathrop, we can't do that. If there
7 is not some sort of a regional approach at some level,
8 we're in the same situation as some of these other
9 districts. We don't have the resources to handle that.

10 The other frustration we have is with the
11 time. And I understand the process that has to be gone
12 through and I understand -- and I accept that process.
13 I guess what I don't understand is what is difficult for
14 me as a staff member to go back and explain to the
15 politicians and citizens within my committee is why the
16 process takes as long as it does. I know often the
17 answer is the staff -- you know, just like we're short
18 on staff, the other entities are short on staff too.

19 So that might be something that could be done
20 at your level and at the state level. If the answer is
21 more staffing to -- because the economic impacts on
22 communities like Stockton, Manteca, Lathrop are huge. I
23 need a better answer as to why it takes as long as it
24 does.

25 CONGRESSMAN CARDOZA: Victor, you want to make

1 some comments?

2 SUPERVISOR MOW: Yes. Obviously, the catch
3 word always is, yes, we need to work at this on a
4 regional basis. I think what needs clarification is
5 what is this region we're referring to. And when we
6 look at our region, is it San Joaquin County and its
7 seven cities? Obviously, I think Mr. Flinn has
8 expressed when we do look at floodplains we're looking
9 incorporating all the seven cities as we deal with an
10 issue, is that the region.

11 If we go beyond that, does that include Merced
12 County, Stanislaus, and we could have those discussions.
13 Clearly, San Joaquin County has partnered with the City
14 of Stockton forming the San Joaquin Flood Control
15 Agency. We were very successful in completing a
16 project, addressed the issues, but we are still waiting
17 for the dollars to return to us through the Section 211
18 reimbursement. So, essentially, we still have many
19 concerns relating to that.

20 So JSAFCA continues to exist and function and
21 continue to deal with the major issues. So there is a
22 partnership that is already existing. Again, there is
23 no consensus, at least at the board level, regarding
24 whether this regional approach -- in some ways we do
25 have an organization structure looking at a region, a

1 region consisting of San Joaquin County and its seven
2 cities.

3 CONGRESSMAN CARDOZA: Thank you, Victor. I'd
4 like to do two more things before I turn it over. I'd
5 like to talk to two representatives from the Reclamation
6 Boards that just give a one minute -- if they have
7 anything they want to add to the discussion to throw on
8 the table before we throw it open.

9 Dante, do you have anything?

10 MR. NOMELLINI: Yeah, I think we've got a
11 crisis at hand with regard to what we do in the interim
12 before we figure out how to solve the flood problem. We
13 do not have a defined goal as to what it is we want to
14 achieve for flood control. We know FEMA is unhappy and
15 concerned because of the Katrina situation. There's a
16 concern nationwide that we need more flood protection.
17 The Department of Water Resources has been advocating
18 improved standards. They talk about a 200-year level.
19 Nobody has defined this. It has to be sorted out. We
20 hear about new seepage concerns. The Corps is revising
21 their technical letters. They haven't put it in a
22 technical manual. There's a dispute among the engineers
23 as to what that all means.

24 Now, when this fleeting task of trying to
25 achieve flood control at an acceptable level, it appears

1 to me that we are not going to define that for perhaps
2 five, maybe eight years, maybe ten years and maybe it
3 will be forever changing. So what's happening to our
4 community now that's of greatest impact is the FEMA map
5 revision process. It originally was a map modernization
6 process. As I understood it, they were going to
7 digitize the maps if there is a fatal flaw. I'm going
8 to define what I think a fatal flaw is.

9 Levee broke in 1997. Nobody fixed it. We
10 would look pretty stupid putting that in a map zone as
11 being protection and there. But what's happening in
12 this process? We have the Department of Water Resources
13 criticizing the levees on RD17, which includes Lathrop
14 where they were certified through a very intensive
15 process in 1990. There was a flood fight in 1997. The
16 seepage was repaired in a joint project between the
17 Corps of Engineers, the Department of Water Resources,
18 local district. Now they're coming become and saying
19 it's inadequate.

20 That to me is not a fatal flaw. That is an
21 issue of what you want the standard to be. You take
22 these maintenance deficiencies, what is a dock going to
23 do in terms of a fatal flaw on Bear Creek? In my
24 opinion, after 39 years in the business and involved not
25 only the legal end but in the flood fight end, there is

1 no connection between that encroachment and the
2 stability of that levee.

3 When that water gets high, that dock's going
4 downstream. It isn't even going to be there. Now, if
5 there are a lot of brush and trees that are going to
6 fall in the river, somebody might argue they can hang
7 up. That isn't the discussion. What's happening is the
8 Corps is rejecting all these levees because they're
9 tightening up their process, criticizing Katrina, and
10 everybody wants to tighten it up and do better.

11 So they're tightening it up. They're saying
12 these are encroachments. FEMA says, well, we want to
13 tighten everything up, and they take this, "What are we
14 going to do?" The Corps says they're an encroachment.
15 So what's going to happen to us in our community is not
16 going to occur in my opinion at the final map stage.
17 It's going to be when these preliminary maps come out
18 and somebody has to go and refinance that variable
19 mortgage. It's going to hit the lower end of our
20 community and the hardest. The banker is going to say
21 this is preliminarily mapped in the floodplain. What is
22 going to take this out, why should I give you a loan
23 when this isn't a questionable stage?

24 The other thing is many people can't afford
25 that \$750 and still stay qualified. We have this whole

1 issue nationwide about these substandard mortgages, and
2 unless people are ignoring the economics, what I see is
3 a crisis already existing, and if we're not real careful
4 with what we do with this FEMA map process we'll tip
5 this community right into the bucket. We are hanging
6 right on the edge.

7 I think what we need to do is we need to get
8 FEMA some flexibility on this mapping process. Now,
9 this community somebody said we were behind Sacramento.
10 This community has been ahead of Sacramento. We did
11 this JSAFCA project, took care of everything we knew
12 about this community. This community was up to snuff.
13 That's why we're behind now. We don't have a
14 ten-year-old project that was kicking around to try and
15 fix the levees to come up to standard because they were
16 up to standard.

17 Now, we have to start a new process. We need
18 to delay in some fashion or avoid this preliminary
19 mapping into the floodplain unless there are a real
20 fatal flaw. If somebody sees something that's a
21 disaster waiting to happen, absolutely we should notify
22 the public. But we're not going at it the right way,
23 and those processes that all these gentlemen talk about
24 are all going to take time. It's going to be four or
25 five years before you sort the vegetation thing out

1 between Fish and Wildlife Agency and Corps of Engineers.

2 CONGRESSMAN CARDOZA: Thank you, Dante. You
3 always have a very concrete perspective on things, but I
4 don't disagree with what you just said. I think that
5 there are a lot of areas of -- where the regulatory
6 environment simply doesn't mesh well with the reality on
7 the ground.

8 When I talk about being behind Sacramento,
9 you're exactly right again, is we have different
10 problems. And currently they're ahead on the funding
11 cycle. They're getting greater attention in Congress
12 because they're ahead of the funding cycle. We have new
13 challenges, and that's why we're behind.

14 Anyone else from the Reclamation Board? I'm
15 going to hold the next person to one minute. I think I
16 let Dante go awhile.

17 I'd like to turn it over for just a minute to
18 Kathy Wood from the San Joaquin Valley Regional Water
19 Plan to discuss in what ways your organization might be
20 able to assist in -- or at least provide some --

21 MS. WOOD: I've been on the Board just for a
22 few months, and we're really formulating a lot of ideas.
23 We've been having some listening sessions starting in
24 the southern end of the valley and coming northward. We
25 have yet to visit the San Joaquin County.

1 Some of the things that we're hearing about
2 right now is -- well, let me just back up. The Water
3 Plan is looking at water supply, water quality, flood
4 control, flood management and environmental enhancement
5 is what I like to call it.

6 And in visiting with some of the water leaders
7 and political leaders in these counties, we're hearing
8 that folks want to move forward but they aren't really
9 sure how to move forward, struggling with things. Tom
10 Flinn, you really kind of set the stage for the Water
11 Plan when you started talking about the linkages with
12 the Delta in the way the things happening upstream
13 affect the things downstream.

14 We have water quality issues in the river. We
15 have a river restoration that they're talking about that
16 hadn't been funded yet, and some of the things that I
17 just heard folks like you talking about are the
18 impediments, regulatory, political, or maybe even
19 institutional impediments that we want to identify in
20 our planning effort. We're just starting out
21 identifying some of the issues, looking at some of the
22 opportunities for us to work together as a valley with
23 one voice.

24 I leaned over and asked my esteemed colleague
25 from DWR, I said, "I notice there is things calling out

1 in the SAC Valley under Prop 1E and Prop 84, and I don't
2 see a lot of things under the river restoration called
3 out." So that's one place where I see us as one voice
4 being able to speak out and make our needs known as a
5 valley, be it, the north part of the valley or southern
6 part of the valley and also recognizing our linkages
7 with other part of the state because our valley lost out
8 on a lot of funding under Prop 50 because we couldn't
9 meet the statewide significance in the grant process.

10 If we don't have statewide significance in the
11 San Joaquin Valley, I don't know who does in this state.
12 We're linked to the rest of the state, and that is what
13 I think is important to our plan and what we're hearing
14 from folks like you.

15 CONGRESSMAN CARDOZA: Thank you, Kathy. What
16 I'd like to do now is take a discussion list.
17 There's -- we have a great array of experts in the room
18 that can answer questions. We have a lot of folks who
19 have asked me questions in the past, and I'm just going
20 to take if you want to be on the list either raise your
21 hand or send me a note and I'll put you on the
22 discussion list.

23 Who would like to kick it off? Who's got a
24 burning question?

25 As you go forward I'll cut you off if you get

1 too long, but I do want the questions to be answered.
2 We just want to have a free-flowing discussion.

3 MR. WINKLER: Steve Winkler, San Joaquin
4 County, and my question is directed to FEMA and the
5 Corps. This issue of maintenance deficiencies and
6 applicability or hydraulic separability is huge. It's
7 100,000 person question for Stockton in the regional
8 area and other communities as well. And we see two
9 different missions. We see the Corps' mission is flood
10 protection project, systemwide project for the Bear
11 Creek system, for the Mormon/Calaveras diverting canal
12 system for other systems that we maintain.

13 We see FEMA's mission as mapping flood risk.
14 And I guess what we're concerned with is the catch 22.
15 The Corps was saying, well, for rehab eligibility under
16 PLA 499, our mission is either the system is compliant
17 and eligible or it isn't. All or nothing. You're
18 either eligible for rehab because you did all the things
19 you need to do or you're not.

20 FEMA's mission is identifying specific flood
21 risk and mapping those risks for flood insurance rate
22 purposes. But the catch 22 is that FEMA is saying those
23 are project levees, they are the Corps of Engineers'
24 responsibilities. We defer to the Corps. The problem
25 is we're deferring a flood map risk mission to a Corps

1 project rehab eligibility mission, and they're
2 completely different. And so to now have the mapping
3 deferring to the project-wide basis is going to be
4 critically important to our community.

5 CONGRESSMAN CARDOZA: Does the representative
6 from FEMA want to respond to any of these things?

7 MR. BLACKBURN: I haven't got an answer at
8 this point. There are -- I would defer to Judy first to
9 answer the questions about the standards on that.

10 SUPERVISOR MOW: Congressman, I think what
11 Steve has stated is what we're facing, whether JSAFCA,
12 county or city is the frustration, the frustration of
13 not going what you want us to do, frustration of what
14 FEMA is saying on one hand and what the Corps is saying
15 on the other, what DWR is saying again as differently.

16 I think the folks in our community will react
17 and respond if we had some instruction, clear
18 instruction, standards that are -- it's almost like you
19 want to talk to us but you folks haven't had the ability
20 to talk to each other to develop some standards to give
21 good, clear direction so we would have an ability to
22 respond and react and do the necessary things we need to
23 do.

24 CONGRESSMAN CARDOZA: Kathy Schaefer from FEMA
25 or, Judy, would you like to respond to Victor and the

1 other comments that he's made?

2 MR. SOUTIERE: I'll be glad to. I'm Judy
3 Soutiere, the Corps of Engineers.

4 The issue about maintenance deficiencies is
5 you are to be maintaining your system, and part of the
6 certification process is do you have an operations and
7 maintenance plan in place, and are you maintaining your
8 system? And the Corps of Engineers has -- with our
9 projects, we have developed operations and maintenance
10 plans that you are required to operate and maintain your
11 system at. When they don't meet that, in the past,
12 because of various issues, it's not always been
13 communicated to FEMA and to the locals about how
14 important it is for operations of maintenance.

15 The fact that it's tied -- when we use the
16 maintenance deficiencies and the one-year correction
17 period is that if at the end you don't correct it you're
18 going to drop out of our program on the rehabilitation
19 side. It also says to FEMA that you haven't been
20 maintaining your system appropriately to keep it to the
21 standard that it needs to pass the flows for the,
22 whatever the system was designed for. That's why
23 they're tied together at this point in time, but it's
24 also a matter we've given -- we've given you a one-year
25 correction period to correct those deficiencies.

1 And FEMA has taken that in as they've
2 developed their Memorandum 43 and in their mapping
3 process and have incorporated not making maps effective
4 until after our maintenance deficiencies are either
5 corrected or not corrected, and we give -- affirm that
6 they've been corrected.

7 Whether they're hydraulically separated, yes,
8 we're taking a look at that, but it makes a difference
9 on how we're going to then inspect your systems each
10 year. Instead of one maintenance deficiency, you may
11 have two maintenance deficiencies. Because if we break
12 the system apart, that's how we're going to be rating it
13 each time. Instead of just one, you may end up with
14 two.

15 But we are looking at whether we can break
16 apart the right bank and left bank of the system and if
17 it makes sense that way, and when we do we will provide
18 that information to the both the county and also to FEMA
19 so that they can then adjust their maps appropriately
20 before they come out on preliminary. We are looking at
21 that right now. But it is -- you still have
22 deficiencies, and they still have to be corrected at
23 some point in time.

24 And maybe it's only one piece you decide can
25 no longer be fixed, and then you need to work with us as

1 to how we take maybe that one piece out of the entire
2 system so that it's no longer -- that we no longer then
3 work with it as part of the federal system.

4 So there are some answers, but again, part of
5 it is all in the technical side that we don't have that
6 technical review completed yet.

7 MS. SCHAEFER: I'll just add that I've stated
8 that the preliminary maps will be not issued for San
9 Joaquin County until the Corps has had time to review
10 those maintenance issues and make a final determination.

11 Also, I'd like to remind everyone that the
12 preliminary maps are just that, preliminary. They carry
13 no legal authority, and they're used to help identify --
14 help FEMA work through the process of creating the new
15 final maps.

16 CONGRESSMAN CARDOZA: Now, will homeowners be
17 assessed from the preliminary maps?

18 MS. SCHAEFER: No.

19 CONGRESSMAN CARDOZA: When they go to buy
20 flood insurance --

21 MS. SCHAEFER: They will be based on the
22 current effective map.

23 CONGRESSMAN CARDOZA: Okay. And when will the
24 final maps be issued?

25 MS. SCHAEFER: Because we have been working

1 with the Corps and helping to address the maintenance
2 issues and the Corps has a one-year maintenance period
3 that they allow for, because we have a very due process,
4 once we issue a preliminary map in a six-month period in
5 which communities have an opportunity to process their
6 ordinances and get the community up to speed, it will be
7 October -- I'm sorry -- it will be April of '09 at the
8 earliest before a new final, effective map can be
9 issued.

10 CONGRESSMAN CARDOZA: I want to sort of
11 reiterate at this point and sort of refocus the
12 discussion. The results we were aiming for today was
13 for the locals to be able to put into place a plan that
14 the community accepts, that we have local financial
15 support for that plan, and I don't mean just local
16 financial support but that we figure out a funding
17 strategy on statewide and the federal level and who's
18 going to pay for what and how that goes forward, that we
19 have a solid technical plan.

20 And, frankly, that's got to come from the
21 Corps and FEMA. And the locals are at significant and
22 severe disadvantage at this point because of having that
23 technical issue. You know that, Judy. We all know
24 that. It's just the elephant in the room that we have
25 to sort of deal with.

1 What Victor's frustration is hearing -- Judy's
2 been so good to have a meeting like this in Merced
3 County. We talked about that a year ago in Merced how
4 we deal with that.

5 Finally, we have to prioritize all these
6 needs, figure out which ones need to be done first and
7 which ones are most important and affect the most
8 people, and perhaps then working towards a regional
9 priority to attain all these goals and come to a
10 consensus. Who's next?

11 SUPERVISOR MOW: Chris, why don't you make a
12 comment on this. You know those levees as well as
13 anybody.

14 MR. NEUDECK: Well, I think all the comments
15 being raised here today are very valid.

16 Chris Neudeck representing a number of
17 Reclamation districts.

18 I think the one issue that's particularly
19 frustrating is the ones on the table and it's with the
20 Corps. We've been operating in this system for quite
21 some time, and these deficiencies and these critical
22 elements and these supposed standards didn't fail the
23 system leading up to this point. Now all of a sudden
24 they're utmost importance to the point where we're now
25 going to fall back into these flood zones, we're going

1 to fall into these maintenance deficiencies.

2 These docks that we're talking about on Bear
3 Creek, half of them were approved by the Corps of
4 Engineers. Approved. Yet, they are considered
5 deficiencies, and they're going to knock us into a
6 floodplain. Now, the two entities aren't talking to
7 each other.

8 CONGRESSMAN CARDOZA: Chris, I think that's a
9 real applicable point, because I will tell you that when
10 we talk -- when I talk about "we" it's my office and
11 Jerry's office -- talk with FEMA or Corps we're told
12 that they have indicated what is needed in the
13 communities. And when I come back and I talk to the
14 communities, they tell me that they haven't gotten
15 definitive answers on what they need to do. I sort of
16 getting this talking past each other kind of issue there
17 as well.

18 So I'd like to follow the focus a little bit
19 on that and figure out where the disconnect is coming
20 from.

21 Can anyone shed some light on that? Maybe the
22 agencies can help us with that, because that is very
23 frustrating to both me and the communities, and somehow
24 there is a disconnect. It's talking past each other.
25 We do that a lot in Washington, but right now when

1 rubber meets the road we can't have that here, so we
2 have to figure out how to do that.

3 Anybody want to tackle that one? I can wait.

4 MR. FLINN: I'll take a shot at it. There may
5 be other folks put this before too and that is: Do any
6 of us have adequate resources to deal with these things?
7 I know I got staff here that can back me up a little
8 more. I understand we've tried to get into the dock
9 issue, we've looked at this, and both the State Rec
10 Board as well as the Corps to sign off on those permits.
11 Not us locally.

12 And from what we understand we've been told,
13 "What do you have in your files?" We're being told that
14 they don't have time to run a staff to go through those.
15 We're willing to send our staff to go through their
16 files to try to figure this stuff out to prove that
17 we're not guilty.

18 MR. WINKLER: In some cases that's absolutely
19 correct.

20 MR. FLINN: This is something simple
21 dramatically impacting people hundreds of thousands of
22 people and we can't get somebody for two hours and sit
23 down and go through the files and determine what is the
24 status of the permit. That's really frustrating.

25 CONGRESSMAN CARDOZA: Jerry seems there are

1 things Chairman Oberstar needs to be made aware of on
2 the Committee of Transportation. Clearly, that is one
3 of the areas where the Corps needs more resources.
4 That's something we have to address as a Congress in
5 administration.

6 MR. NOMELLINI: Seems to me to be grossly
7 unfair to take these relatively minor deficiencies, and
8 in my opinion, they're minor, based on all my experience
9 with flooding and flood value, and to quibble over
10 standards and turn that into a map revision that even
11 though it's not a final map, we know it's going to have
12 a very severe impact.

13 And that preliminary map is going to trigger
14 that impact. You go talk to the bankers and see how
15 they're going to react on refinancing with a preliminary
16 map. The logical question for a banker would be, okay,
17 you're preliminarily mapped into a floodplain. What's
18 going to assume me you're going to get out in a
19 reasonable time?

20 We don't have a clue as to what is going to
21 satisfy the engineering aspects as they remain in flux.
22 I'll bet we don't have this seepage criteria thing
23 sorted out within five years.

24 CONGRESSMAN CARDOZA: My experience as well,
25 Dante, when it comes to issues of water, nothing gets

done in less than five years. I don't care what it is.
2 We can talk about CAL FED, any of those things.

3 MR. NOMELLINI: Why should -- FEMA is going to
4 trigger the crisis. The corps of Engineers is not
5 necessarily except to the extent FEMA is relying on the
6 Corps. FEMA ought to exercise its own judgment as to
7 whether or not those things constitute a fatal flaw.

8 CONGRESSMAN CARDOZA: Judy, I know you
9 indicated that you're involved in the technical aspects
10 of this. I'm going to call on you to, if you would be
11 willing, to have a meeting with the local folks with
12 regard to Bear Creek and Calaveras Creek, the dock
13 issues, and expedite that technical area. And if you
14 can't get the resources to do that -- I understand, this
15 is not a personal attack. You know I think very highly
16 of you -- then I need you to communicate that back to
17 Jerry and I within the construct of Mark or whoever to
18 let us know how we can get the resources. We'll talk to
19 Senator Feinstein and Senator Boxer.

20 MS. SOUTIERE: I will say that we, I think,
21 have a meeting scheduled sometime in early September.
22 We had a meeting earlier this month talking about
23 encroachment issues and there's another one scheduled, a
24 follow-up meeting to that. We are in constant
25 communication right now. It's just right now we're

1 waiting for some technical folks to finish up the
2 technical reviews.

3 CONGRESSMAN CARDOZA: Mark, anything you want
4 to add?

5 MR. CHARLTON: Just listening to a lot of
6 dialogue here, and I've heard from a lot of other people
7 I know with Dante and Chris and some of the others I've
8 heard it from them, but you asked the question, the
9 system hadn't failed so we're maybe putting new
10 standards or criteria or resurrecting criteria that we
11 haven't enforced. We're putting it on the tail -- on
12 the table, but who says that we really need it for the
13 future. And but when I talk to folks I say, well, I
14 need more than your opinion.

15 A couple weeks ago I turned around to my
16 engineers in Washington DC who are driving me equally
17 crazy from the other side, and said -- I'm looking over
18 at Les Harder here -- "Where's the science? You tell me
19 we're taking all the vegetation off the levees. Where's
20 the science?" I went through a series of ugly e-mails.
21 I'll be honest with you, I think we have a long ways to
22 go to do the research and science here to figure this
23 out. I don't know. And I can't find anyone who says --
24 gives me much of anything other than, "Well, I've
25 watched the system for 50 years." "It's my professional

1 opinion."

2 And I'm enough of a scientist to know we have
3 to do a lot better than that. So maybe we need -- one
4 of the things -- take-aways that I'm hearing is we need
5 to sit down, and we need to come up with a R and D
6 program. We need to identify some of the things that
7 are high priority that we think -- there's another word
8 we've not used here today. "Risk." What are the
9 highest risks? This is from -- I'm going to give Les
10 Harder the credit here -- is vegetation the highest risk
11 or is it erosion?

12 Maybe we need to take the relative risk, look
13 at where we need to do some science and engineering and
14 put some dollars and effort into that to help get some
15 science to guide what we do and how we do it. Not be
16 bound by 50-year-old, hundred-year-old whatever
17 tradition almost, but let's put some effort and dollars
18 into refining and defining new areas that we need to
19 investigate. Les.

20 MR. HARDER: Thanks for letting me be drawn
21 in. I'm Les Harder, Deputy Director of Department of
22 Water Resources.

23 Maybe I can offer just a few comments on
24 things that have been brought up. Our focus is public
25 safety. We're trying to keep people from a Katrina

1 experience. And I will tell you that as we've looked up
2 and down the system here, the levee system in the
3 Central Valley, it has probably less than a quarter of
4 the rated level of protection of Katrina -- or New
5 Orleans rather -- was rated at prior to Katrina. It was
6 rated at 250 years.

7 We are probably going to be spending millions
8 of dollars here of federal money, state money, local
9 money, to try and get our levees up to a level of
10 protection that at the end of the day will still be less
11 than what it was rated.

12 I hear a lot of frustration about the mapping
13 process and what will it take and so on, and I think we
14 all sympathize at various levels, but you're not the
15 first one to face this in the Central Valley. You
16 mentioned already you had previous experience on the
17 JSAFCA projects. Sacramento has been mapped in and out
18 of the floodplain more than once. Part of it just came
19 out of the flood pocket area. Part of the Natomas is
20 about to go back in.

21 Yuba County was facing being remapped. They
22 spent with their money and State money over the last
23 three or four years and in the next couple years
24 probably in the order of \$300 million. They will beat
25 the remapping process over five years. We heard about

1 it will take five or eight years to agree on
2 certification. They just got some of their levees
3 certificate and approved by the Corps after they fixed
4 them.

5 And some of the criteria may be up in the air,
6 but a lot it like the underseepage it's been .5 exit
7 gradient over 30 years. We can give -- we work with you
8 and the Corps and FEMA. We are the ones who are
9 currently doing evaluations of the levees. We're
10 spending probably a couple-hundred-million dollars to
11 find out where all the deficiencies are, and we can
12 share with you the criteria that we're going to want to
13 work with. We're basically going to want to follow the
14 Corps's criteria, work with the Corps in fully defining
15 that criteria. A lot of it is defined right now.

16 For planning purposes, we can sit down with
17 you tomorrow afternoon to tell you what kind of criteria
18 you ought to be thinking of for the next year in terms
19 of planning, in terms of approximating what you need to
20 design for. It's not rocket science. It's not.

21 Some of these other issues with regard to
22 vegetation management and encroachments, these are new
23 policy or new policy enforcement our headquarters is
24 issuing, many still in draft form. We're trying to work
25 very carefully and collaboratively and take input from

1 the locals and make it a workable system.

2 We all know we need to manage vegetation. We
3 all want a safe levee. We want to do it in a way that
4 doesn't divert limited resources. So, you know, we are
5 going to be probably spending most of the money for
6 levee improvements here in the valley. State bond
7 measures provide that funding.

8 What we're going to want to see is very
9 much -- it's in our floodSAFE guiding principles -- is
10 promoting regional approaches. So much of the
11 conversation talked about that today. We very much
12 encourage that. We don't want to set or tell what you
13 the region is going to be made up of. We want to very
14 much encourage you to develop those approaches. While
15 we may be the ones funding most of the money, we don't
16 want a top-down approach to the solution. We want to
17 work with you in partner and have you help develop these
18 regional solutions.

19 CONGRESSMAN CARDOZA: That's very helpful.

20 SUPERVISOR MOW: When we talk about the Delta
21 or we're talking about the region, obviously Contra
22 Costa, some of the counties that surround the Delta are
23 the ones that we might be wanting to look towards. The
24 Delta, I don't know what effect the Delta would have in
25 Merced County, or as we look on the valley side because

1 we kind of go west. I'm just throwing it out.

2 CONGRESSMAN CARDOZA: Vic, one of the things
3 that was discussed when some folks initially talked to
4 me is when you have -- and obviously when you get down
5 to the local funding levels, how you raise the funds to
6 do this? Do you have small districts and the percentage
7 is higher, do you spread it out over the greater
8 regions? And if you start to spread that out over
9 greater region, then people that don't have -- like
10 Merced won't have the same level of participation
11 theoretically, why would they pay the same amount?

12 That was the kind of discussions when we were
13 talking about bringing other counties in was how do we
14 spread out the local matches, how do we have bonding
15 capacity issues that might work that way? How do we
16 fund the local part of this, and does it make sense even
17 if it's localized and Merced does their own thing,
18 Stanislaus County does their own thing or even among
19 cities that maybe the bonding and authorities are
20 greater and we go into a collaborative but they only pay
21 differentiations with regard to what third territories.
22 That's really why when we started talking about
23 collaboration, I realized in the beginning that Merced
24 probably doesn't have the same issues as San Joaquin
25 does. But because we are in this region is there

1 opportunities to discuss synergies that do work? That
2 was why I configured the meeting in the way I did today.

3 MAYOR SAYLES: You know, I heard Les Harder
4 say public safety was number one, and obviously for
5 everybody at this table public safety is number one. I
6 think there's just a better way to get there. That's --
7 I guess that's the point that I've talked to you about.
8 Why come through and decertify everything instead of
9 saying these are the problems, here's the fix, you have
10 this much time to do, get it done? So I think that's
11 the issue that, you know, I myself struggle with.

12 I also heard the question of financing, who's
13 going to finance? Where are we going to get the money
14 from, et cetera, et cetera. I will say that Lathrop,
15 Stockton, Manteca, Lodi, other business organizations
16 such as the partnership, have gotten behind something
17 called the CVRA, Central Valley Resources Agency, and
18 we're hoping that this can be -- obviously, it won't be
19 the end all be all, but it will be at least part of the
20 key in finding a finance mechanism.

21 Also we have a great example with JSAFCA.
22 There's alternatives there. Maybe we should partnership
23 and do something with JSAFCA. Just a couple thoughts.

24 CONGRESSMAN CARDOZA: Go ahead.

25 UNIDENTIFIED SPEAKER: Thank you. To build on

1 that, both Victor and I were really on the City Council
2 of Stockton, we're on the JSAFAC project from the
3 beginning. We did exactly what we told FEMA we'd do,
4 and it's almost like we got punished for it. You know,
5 no good deed goes unpunished. We did exactly what they
6 said. Came in ahead of schedule, under budget, and
7 we've got \$15 million sitting there that can go towards
8 our match. I know the County and the City of Stockton
9 see that as a vehicle, but we could turn around expand
10 in some way or this other project that Kristy spoke of.

11 There's ways of doing it. Just tell us what
12 you want. Just say we want you to do this within two
13 years. And I know that the reason -- I was around when
14 the whole JSAFCA thing started. It was because so many
15 other communities had lied to FEMA.

16 They said, "Hey, you need to get this up to
17 snuff."

18 They said, "Oh, yeah, we'll take care of it."
19 well, they never did.

20 And so when we said, "Oh, we'll take care of
21 it," they didn't believe us. We were lucky. We became
22 the poster child for FEMA. Do the project. Get it
23 done. Do it right. I think all these other cities and
24 reclamation districts understand that there is a public
25 safety issue in many cases. There's -- they'll do it.

1 They'll do it. They'll put their own money forward,
2 they'll get the project done, they'll do it under the
3 standards that the Corps and FEMA request and require.

4 It's just the timing and the unknown of what
5 do you want? Is that stupid little dock on Bear Creek
6 going to flood the entire city of Stockton? If so,
7 let's go blow the thing up and move on. There's only
8 seven of them.

9 CONGRESSMAN CARDOZA: With regard to RD17,
10 when I asked the question about Bear Creek and Calaveras
11 I also wanted to refer to that, I wanted FEMA and DWR
12 talk specifically about those regulatory requirements
13 for RD17. And I talked about it for Bear Creek, and I
14 put Judy on the spot for that one, so I want to put DWR
15 and FEMA on the spot to some degree with respect to
16 RD17.

17 So can you respond to that, please, technical
18 assessment.

19 MR. HARDER: I'll try to address our part of
20 it. As FEMA goes forward in their remapping effort,
21 they're requiring documentation that the levees do
22 indeed provide hundred-year-flood protection, and under
23 Memorandum 34, which was issued two years ago, basically
24 the threat was if you don't have that documentation we,
25 FEMA, would pretend the levees don't exist and map you

1 accordingly.

2 That created a lot of controversy. I'll let
3 Greg talk more about that part. They came up with a
4 revised program under Memorandum 43 PAL process, which
5 says that, okay, if you really think your levee is okay
6 but you don't have the documentation with you or readily
7 available, then we'll give you up to two years to
8 provide that, and if you sign the PAL agreement you
9 basically are agreeing, one, that the levees don't have
10 a problem, you think they'll pass, and they only need
11 normal maintenance, and you agree to provide all the
12 documentation necessary to demonstrate the hundred-year
13 protection within the two years.

14 And if I got that wrong, I hope Greg will
15 correct me.

16 UNIDENTIFIED SPEAKER: In the Central Valley
17 they -- FEMA is going to require both the community
18 behind the levees to sign that agreement and also the
19 owner of the levees. The owner is considered the State
20 of California. And so for us to sign that agreement we
21 have to basically conclude in our heart of hearts and
22 belief that the levees will pass.

23 Well, we have recently under the program of
24 Urban Levee Evaluations here in the valley, recently
25 drilled those levees, they have large deposits of sand

1 and gravel. We asked our consultants to do a
2 calculation. In fact, I believe actually it was Dante's
3 Reclamation.

4 CONGRESSMAN CARDOZA: To do a calculation
5 whether or not it's Dante's fault.

6 MR. NOMELLINI: I'll respond in a minute.

7 UNIDENTIFIED SPEAKER: To see what those
8 calculations were and the factors of safety were
9 calculated, they were not even marginally close. So we
10 now know that there's a deficiency there. It's not
11 something we assume. We suspect or have been concerned
12 about. We know the levees have had boils in the past.

13 But we now have concrete evidence that we
14 can't ignore. So in good conscience, we cannot sign the
15 PAL agreement in that case, and so we sent a letter out.
16 We actually met with different groups from San Joaquin
17 County and Lathrop and other communities talking about
18 this issue over the last couple months or so, and we
19 sent a letter out to the City Lathrop with our
20 conclusions stating that.

21 At the same time, we really are committed to
22 trying to get, whether it's Lathrop, Stockton,
23 Sacramento, Yuba City up to a high level of protection.
24 And it mentioned the department's criteria. Well, it's
25 not a criteria. It's a target where we want to go to.

1 We believe that FEMA's hundred-year-level-flood
2 protection is woefully inadequate for an urban area,
3 particularly in an urban area with a flood plan. You
4 will not find any floodplain manager across the nation
5 who is not advocating for these 200, if not 500-year
6 flood protection. So hundred year -- you know, there
7 was a mention already, I think Greg brought it up, that
8 has a risk for a 30-year mortgage, 26 percent chance of
9 flooding. So that's 26 percent chance of a Katrina
10 event happening here. And actually since Lathrop does
11 not have 100 year, it's even higher. So the odds of
12 that, another way of looking at that, is you're playing
13 Russian roulette with two bullets in the cylinder. It's
14 pretty high.

15 We don't think hundred year is adequate. We
16 want to go to 200 year. We're willing to provide the
17 funds to help you do that. We're willing to work with
18 each community all up and down the valley to get there,
19 and whether it's technical assistance, planning
20 resources, funding, collaborative approaches, that's
21 what we're willing to do.

22 CONGRESSMAN CARDOZA: As we wind down here, it
23 seems to me that we have to figure out how to get to
24 what you just said, that's what you're requiring, that's
25 where we're headed. We can argue about that, but if you

1 are one of the signators and you have to sign as one of
2 the owners, you've got some issues that we're going to
3 have to deal with. Either change the regulations or
4 comply, and what it seems to me, Mike, is that there is
5 going to be an organization that speaks with one voice
6 to try and be the interface so that we can get to those
7 issues one after another after another.

8 This is not something we decide in one day in
9 a conference like this, but this is a process we go
10 through. So I am going to encourage you all to decide
11 what that is on your own. I can convene another
12 meeting. But it really is going to take you all to make
13 those decisions, what direction you want to go. Tell
14 Jerry and I you guys are going to go forward. Our is
15 not to tell you how to do it, but we'll help along the
16 way. I don't know if we should wait until you get us
17 feedback that you're all ready.

18 Does anyone have any suggestions?

19 Go ahead, Steve.

20 STEVE: Kristy alluded to the CVRA. I just
21 wanted to touch a little bit about what we did. The
22 City of Stockton had come to us awhile back, about three
23 months ago and said what we need is a long-term
24 structure, just like COG handles transportation, et
25 cetera, to take a look at what our needs are and develop

1 a structure both politically and for communications
2 purposes so we can get this done.

3 There is a lot of things that we don't need to
4 recreate the wheel on. JSAFCA's got the experts.
5 They've got the engineers. It would hurt my head to sit
6 in a room for five hours and have them explain to me
7 the -- Nomellini for three hours was enough.

8 Anyway, that's not my core of expertise there.
9 What we did is we had bylaws drafted that creates --
10 it's the first in the country. It's a public/private
11 partnership that allows federal dollars -- or excuse me,
12 not federal dollars -- government dollars and private
13 dollars to go into the same kitty to be used for
14 coordination.

15 What we did is we set up -- all the cities in
16 the county now do have a draft copy of the bylaws.
17 They're a draft. Until they actually convene and vote,
18 they can't have official bylaws. The way it's set up,
19 it's a 15-member board. Not all 15 seats on the board
20 will be taken immediately until we figure out what we're
21 going to do with Merced and Stanislaus. But we really
22 did see this as a regional approach.

23 As Kristy mentioned, everyone locally has
24 signed off. We have a presentation before the Board of
25 Supervisors, I believe it's the 4th of September --

1 Chairman -- something like that.

2 Then the City of Tracy, they're grappling at
3 odds whether they need to deal with flood control issues
4 at all.

5 Again, in doing this, what we were hoping to
6 do is create one voice. One of the suggestions that
7 Supervisor Gutierrez had, which I thought was
8 exceptional was not only do we need to get the private
9 guys in the room, you know the experts in the room, the
10 cities, the counties, but why isn't there a seat for DWR
11 and FEMA as well so that they're actually at the table
12 so we're not taking our plan and shocking it to them.
13 They're actually there so that they can say, well, that
14 might not work, or this will or here's some advice.
15 Actually bring all the grownups into one room.

16 So if anybody is interested in seeing the
17 draft bylaws or anything else, let us know.

18 MS. SCHAEFER: I'd like to volunteer to be on
19 that committee as a representative from FEMA, and I'd
20 also like to point out that I'm sitting next to
21 Mr. Nomellini, and we've have been sitting next to each
22 other a lot lately in conversations to try and resolve
23 these issues. And as a FEMA representative, we'll
24 continue to work very closely with the communities to
25 make sure that their concerns are addressed.

1 CONGRESSMAN CARDOZA: I know that this effort
2 has been going on. I would like the communities to do a
3 final adoption of whether they're going to opt in or opt
4 out. I need some direction from them if that's the
5 direction you're going to or if it's not.

6 And then I need to be able to interface; Jerry
7 needs to interface with that one voice. I guess my
8 message to you is we're waiting to see if you finalize
9 that and do want it.

10 Victor, did you want to say something?

11 SUPERVISOR MOW: Only in the context there is
12 no consensus at the board at this point in time.
13 Meaning, again, regional needs to be explained a little
14 bit better. There are a lot of questions yet to be
15 answered. The bylaw as presented, is that the final
16 configuration of the membership? It's hard to talk
17 about the Delta with many of our valley folks when the
18 Delta includes a larger -- a number of counties that
19 have a big impact and influence within the Delta and we
20 have 1,000 miles of waterway in the Delta in San Joaquin
21 County alone.

22 So essentially, where are they? Where would
23 Mr. Nomellini be in this participation of these things?
24 I think those things need to be answered. There's a
25 long ways to go.

1 CONGRESSMAN CARDOZA: Dante, at the end of the
2 day it seems to always end up with you.

3 MR. NOMELLINI: Happen to be a forefront of a
4 couple of critical issues.

5 CONGRESSMAN CARDOZA: I'm just teasing you. I
6 want to conclude today. I think what Victor just
7 outlined in the discussion is exactly where we're at,
8 and we need to find out as you all go -- let's discuss
9 it this way.

10 San Joaquin County is coalescing however
11 you're going to coalesce. We need to know in the next
12 couple weeks what you're going to do in the next couple
13 months. You need to feedback to me what your timelines
14 are. You need to let Jerry and I know if Jerry needs to
15 outreach to Contra Costa County, but if you want us to
16 outreach to Stanislaus further, get whether they want to
17 participate either as ex officio or as official part of
18 this, Merced the same way. We need to get bylaws and
19 structure and move forward.

20 I would sort of lead that. We'll look forward
21 to hearing back from you within the next 15 to 30 days
22 to find out what direction you think we ought to go and
23 get back to us if you want to convene further meetings
24 or amongst yourselves. We can certainly make the
25 request of having state and federal agencies participate

1 as appropriate, and I will leave it to get the feedback.

2 You all know my staff person Dee Dee Adamo,
3 and she'll coordinate this for me and my office.

4 Jerry, do you want to mention someone in your
5 office?

6 SENATOR MCNERNEY: Yeah, I got Angelo Picone.
7 Eric Beuller is back here. Eric is my district
8 director, so if there are any questions, please talk to
9 Eric.

10 I really came here to learn a few things, I
11 guess of the fire hose situation, and I really want to
12 be able to help as much as I can without hurting. I
13 don't want to violent the medical ethic either. You
14 know, some things are fairly obvious, changing standards
15 and the need for real science, something that came out
16 really clearly today.

17 The serious financial consequences both to
18 individuals that live in the district but also the
19 greater community. The whole region is fairly close to
20 financial hardship if some decisions are made without
21 due sensitivity to those risks, and there's a lot of
22 frustration. Some of it's due to the fact that there's
23 three agencies. Some of it's due to the fact that
24 decisions seem to be made somewhere up on the lot and
25 coming downhill. That kind of situation should be

1 clarified. It can be clarified as Dennis is pointing
2 out by working together at the local levels, making some
3 decisions and then inviting us in to participate once
4 you're ready to move forward.

5 I agree strongly with Mark that there is a
6 real need for science on some of these issues at least,
7 that the Corps needs to develop a technical plan and
8 consider timing and working with local communities.

9 Having said that, I'll turn it back over to
10 Dennis, and I appreciate that. Dennis is my good friend
11 and colleague. Dennis has convened this meeting, and
12 it's been worthwhile for me, and I hope to continue this
13 dialogue.

14 CONGRESSMAN CARDOZA: Thank you, Jerry. I
15 think there is a very important role, not just for those
16 purposes, but also the expert on the transportation
17 committee that will impact how the Corps goes about some
18 of these regulatory issues. We're going to have a very
19 heart-to-heart discussion with Mr. Oberstar about how we
20 proceed forward. Clearly the direction needs to come,
21 and that's our way of inputting into that process. And
22 the Chairman is very engaged.

23 I don't know how many of you have met him over
24 the years, but there is probably few members of Congress
25 that are as technically experienced as Mr. Oberstar. He

1 was a staffer for 20 years for the transportation
2 committee before he became a member of Congress and then
3 chairman, then became the ranking member, then back to
4 chairman. He really is someone who is beyond any of our
5 knowledge in this arena and understands the Corps,
6 understands transportation needs.

7 Has indicated in the past he'd be willing to
8 come back out and discuss these issues. He has a son in
9 Sacramento that he comes out to visit a couple times a
10 year, and I'm sure he would be willing to come out here.
11 That's another avenue to try and move the ball down the
12 field.

13 SENATOR MCNERNEY: I'd like to point out that
14 I appreciate Les' offer for help. Certainly, he has the
15 high ground in claiming the public safety is the top
16 concern, and I'm not sure what resources you have
17 available, Les, but if you have the sort of resources
18 that you're indicating, then the local community should
19 be knocking at your door and going at you in a way that
20 would help them get to their objectives.

21 So I appreciate that you're making those sort
22 of offers.

23 MR. HARDER: That's our objective.

24 CONGRESSMAN CARDOZA: One of the things that
25 was glaring to me, Les, that's what I was going to sort

1 of conclude on today. As the agency that seems to have
2 the most immediate resources because the State did step
3 up and pass the bonds, that making available the
4 planning dollars or some of the dollars to help us get
5 on track would be of critical importance at the early
6 stages.

7 I don't know how your agency deals with those.
8 If you could get back to that and I need to talk to Mike
9 about those issues, I'm happy to do that.

10 MR. HARDER: In the forthcoming budget we do
11 have dollars for feasibility studies. In fact, we're
12 funding the Stanislaus one, for instance. And we also
13 have money for regional studies, and those monies will
14 be available toward the second half of the fiscal year
15 so probably after January they'll be available to be
16 applied for.

17 CONGRESSMAN CARDOZA: I think we have an
18 understanding of where we need to go. We have the
19 regional concept. I need that finalized from all of
20 you. We need to get the information you just talked
21 about, communities -- Lathrop, other communities that
22 have the most urgent needs go from there.

23 Is there anyone else who wants to say a final
24 word about any other topic we discussed today?

25 Seeing none, we're adjourned.

1 I, MARY JACKSON, Certified Shorthand Reporter, in
2 and for the State of California, duly commissioned to
3 administer oaths, do hereby certify:

4 That the said proceedings were by me recorded
5 stenographically at the time and place herein mentioned,
6 and the foregoing pages constitute a full, true,
7 complete and correct record of the testimony;

8 That I am a disinterested person, not being in any
9 way interested in the outcome of said action, nor
10 connected with, nor related to any of the parties in
11 said action, or to their counsel, in any manner
12 whatsoever.

13 Dated: SEPTEMBER 14, 2007

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17 MARY JACKSON, CSR #8688
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